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NEW ZEALAND

AND ITS

COLONIZATION.

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BY

WILLIAM SWAINSON,

FORMERLY, AND FOR UPWARDS OF FIFTEEN YEARS, HER MAJESTY'S ATTORNEY-GENERAL FOR NEW ZEALAND.

WITH A MAP.

LONDON:
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PREFACE.

FROM a variety of causes, the experiment of founding a Colony in the Islands of New Zealand has, from the outset, been regarded with unusual interest. What are the advantages offered by New Zealand as a field of British Colonization? What are the characteristic features and the comparative advantages of its several Provinces? What has experience proved to be the sanative value of its climate? What has been the progress of the Colony in agriculture, commerce, population, and wealth? and What is the nature of its Constitution, government, and laws? are questions of interest to all who may be seeking for themselves a home among the Islands of the South. But there are questions of yet deeper and wider interest connected with the Colonization of these Islands. Is it possible that two distinct portions of the human race, in the opposite conditions of civilization and barbarism, can be brought into immediate contact without the destruction of the uncivilized race? or, in rendering the Colonization of a barbarous country possible, is the Christian

Missionary but the pioneer of the destruction of its heathen people? is a problem still waiting its solution in New Zealand. On what principle, with reference to native rights, have these Islands been erected into a British Colony? and what are the obligations contracted by the Crown of England in subjecting them to British rule? To what extent have the native race adopted the habits and usages of civilized life? and what progress has been made by them in industrial pursuits? What is the prospect of their permanent preservation? and what means have been taken for saving them "from that process of extermination under which uncivilized tribes have too commonly disappeared when brought into contact with civilized men?" To these, and questions such as these, the following pages will be found to contain a faithful answer. Contemporary events, however, are seldom rightly discerned or fully appreciated, even by their principal actors; but when the subject shall have become a matter of History, the Colonization of these Islands and the commingling of the Races will be read with all the interest of romance.

THE ISLANDS
OF
NEW ZEALAND

NEW ZEALAND

AND

ITS COLONIZATION.

CHAPTER I.

THE NATIVE RACE—PAST AND PRESENT.

Occupying a commanding position in the Southern Ocean, within a few days' sail of the great continent of Australia, possessing numerous safe and commodious harbours, enjoying a temperate climate and a fertile soil, abundantly watered, rich in valuable timber, and not without indications of great mineral wealth, it would be difficult to find any portion of the earth's surface presenting so many advantages for British colonization as the distant islands of New Zealand. When these islands shall have become a powerful empire, exercising a leading influence in the Southern Seas, the novelist will be able to enlist the sympathies of his readers in the imaginary trials and the fictitious adventures of its then forgotten founders. Events which now appear of commonplace occurrence, and which fail to arrest the atten-

tion of the busy multitude, will then be regarded with eager interest; and the men, manful and godly, practical and enthusiastic, prudent and self-sacrificing, who have been engaged in founding an empire among the islands of the South, will then take rank with British worthies, as great actors in an "heroic work" of a most illustrious reign. And when, slowly but surely, the dark blood of the Maori shall have faded in that of the pale face who is destined to replace him, and when the heightened colour in some passing cheek shall be the only living remnant of the dark-skinned race, then will the early history of these islands, and the commingling of their races, be read with all the interest of romance.

There is reason to believe that their native inhabitants have occupied the islands of New Zealand for at least five hundred years; but, though they can trace back their genealogy for more than twenty generations, there no longer exists any reliable tradition of their origin. Beyond their geographical position, but little is yet known of the numerous islands of the Pacific; but amongst the great variety of languages spoken in that vast Archipelago,*

* In the prosecution of the Melanesian Mission, the Bishop of New Zealand brought thirty-three youths to Auckland for the purpose of education (1857): they were collected from eight different islands—from the New Hebrides, Loyalty, and Solomon Islands; and eight languages were spoken amongst them. In their structure, some of these languages resembled one another; but in words, they were all entirely different; and not one of them was intelligible to the natives of New Zealand. Some of these island boys wore a ring of bone fastened to the partition of the nostril; some wore a piece of stick stuck into the end of the nose; and others had a large hole cut in the lower part of the ear: but none of them were tattooed like the natives of New Zealand.

distinct traces of the Maori language are to be found in several small islands lying northwards of the New Zealand group. In Rennell Island, the inhabitants, consisting of not more than a dozen families, speak a dialect of the Maori language, and are tattooed like the New Zealanders; and in the neighbouring island of Bellona, the language spoken by its few inhabitants is the same. In the small Stewart's Island coral group, the language spoken by the people is also a dialect of the Maori. Even in the Sandwich Islands, distant more than 3,000 miles, many of the words in common use differ only in the addition or omission of a single letter from the language now spoken by the natives of New Zealand; and it has been conjectured that the Maori race have migrated, directly, or by intermediate steps, from Ha-wai-i—the Owhyhee of Captain Cook. In the Maori legends of the Creation, mention is made of birds, of fish, of insects, and of reptiles, but no allusion is made to the beasts of the field; it is probable, therefore, that the race from which the Maories originally sprung must, to a remote period of antiquity, have had their habitation in those regions of the world where the larger animals were unknown; but at what period, or in what manner, they first arrived in New Zealand, is now altogether unknown. Whatever may have been their origin, however, their ancestors, to reach the islands of New Zealand, must have traversed in their canoes certainly more than a thousand miles of sea.

Their own traditions contain the most minute

particulars of their origin: where they last came from, however, and when they first landed in these islands, is, in reality, but matter of conjecture. As to the minute particulars of their early history, the versions to be met with amongst them are somewhat various; but, in their main features, the native traditions still preserved throughout the country are wonderfully agreed. All give the same account of the name of the place from whence they came—of the direction in which it lies—of the reasons which led to their migration—and of the localities in which they first landed in their islands. The names even of the canoes in which they made the voyage—of the timber of which they were built—of the name of the builder—and of the crews by which they were navigated—and an account of the address delivered to them on taking leave of their native land, at least 500 years ago, have all been carefully preserved, and handed down to the present day through more than twenty generations. All agree that their ancestors came from a country called "Hawaiki" (which in the Sandwich Islands would be called "*Hawaii*"), and which they describe as lying to the N.E. of New Zealand: they also agree that they were not driven off by stress of weather; but that, being harassed by wars and dissensions, they resolved to seek a new home; and that they embarked in several canoes built and fitted out expressly for the purpose. Tradition has also preserved the valedictory address with which they were cheered on embarking in their adventurous undertaking. "Now do you, my

children," said the Hāwaikian patriarch, "depart in peace; and when you reach the land you are going to, do not follow after the deeds of Tu, the God of War, for if you do, you will perish as if swept away by the winds. Follow, rather, quiet and peaceful occupations, as you will then die quietly a natural death. Go, then, and live in peace with all men, and leave war and strife behind you. Depart and dwell in peace. War and its evils are driving you from your fatherland: live, then, in peace where you are going to. Conduct yourselves like men: let there be no quarrellings amongst you; but build up a great and powerful people."

That their ancestors reached these islands at different times, and landed in various places, their traditions are also agreed. About twenty miles to the north of Auckland, forming the western angle of the Frith of the Thames, there runs out a long, low promontory, connected with the main by a narrow strip of land; and here, according to native tradition, the founders of the Maori race first landed in New Zealand. Of the several canoes which formed the expedition, the "Tainui" was the first to reach the shores. Finding a sperm whale stranded on the beach, the crew named the place Wanga Paroa, by which name the peninsula has ever since been known. Soon afterwards the "Arawa" also made the land at Wanga-paroa; but neither party remained there long: the "Tainui" proceeding up the Frith of the Thames in the direction of the Waitemata, and entering the inlet of the Tainaki as far as "Ota-

huhu." Here the crew dragged their canoe across the narrow strip of land which separates the waters of the eastern and western coasts. Launching again into the Bay of Manukau, they sailed down the harbour, and through the heads, out to sea again in a southerly direction, along the western coast, until they reached Kawhia, a small harbour mid-way between Manukau and Taranaki: and here they finally settled; throwing off swarms, from time to time, along the neighbouring coasts. And a tribe called the "Tainui" are to be found at Kawhia to the present day, whose chief claims direct descent from one of the adventurous voyagers; and a canoe-shaped rock in the neighbourhood is seriously believed by them to be itself the petrified "Tainui." The second canoe which reached New Zealand was the "Arawa." Her crew also first landed at "Wangaparoa;" they then proceeded down the eastern coast as far as Maketu, where they settled, and gradually spread themselves inland to Rotorua, Taupo, and Whanganui. The "Mata-Atua" was the next to arrive: her crew first landed also on the eastern coast of the northern island, in the Bay of Plenty; and their descendants afterwards spread themselves along the coast in a southerly direction. Of the proceedings of the rest of the expedition, comparatively little is known. How far these native traditions are well founded is now a matter of doubt: it is certain, however, that a considerable portion of the Maori race claim to have sprung from the crew of the three canoes, whose history, in the most minute

particulars, through successive generations, has been thus carefully preserved.

The descendants of these adventurous navigators—evidently a mixed race—are a fine body of men, dark brown in colour, full sized in stature, and with an independent and manly bearing. They have large and well-formed intellectual heads, and a powerful muscular development. Many of them are above the middle height, of a light copper colour, with straight black hair; these are evidently of Malay origin. Others again, who are comparatively short, of a dark brown colour, with crisp and curly hair, bear some traces of African descent. The Maori women have a large share of the drudgery of life, marry young, fade early, and, as is commonly the case with uncivilized races, are, in their physical appearance, greatly inferior to the men. Few of the Maories have whiskers: nor do they wear beards; but instead of shaving, they pluck out the hair with a pair of pipi shells. Owing to the face being covered with tattoo marks, many of the older native men appear to be almost black: but the practice of tattooing is discontinued as they become converts to Christianity. The operation, performed with a hammer and a serrated chisel, causes great swelling and excruciating pain, and is sometimes the work of years. The punctures are stained with a dark vegetable dye: the pattern, in circles and curved lines, is punctured on various parts of the person, as well as on the face; and the faces, hips, &c., of the great chiefs are usually covered with ornamental scrolls. *Il faut*

souffrire pour être beau; and like tight-lacing amongst ourselves, and small shoes with the Chinese, tattooing (painful as it is) is submitted to for the sake of its beautifying effects. The Maori women, however, are but slightly tattooed, having only a few lines cut about the lower lip and chin.

As a body, they are intelligent, high-spirited, and warlike, but good humoured. They are inquisitive, communicative, and almost incapable of keeping a secret: but, except in broad outline, it is not easy to give an accurate delineation of their character. They are far from being either simple, shallow, or transparent; and their character is by no means to be comprehended at a glance. To form a true conception of it, the Maori must be seen in his native Kainga, and among his own countrymen. Seen alone, in the midst of our English settlements, he is, in manner at least, quite a different creature. Hardly any two classes, in the colony itself, have formed the same estimate of the native character. Of their language, manners, and customs, the colonists themselves are, for the most part, as ignorant as the people of England. For the purposes of trade, the natives constantly, and in large numbers, frequent our English settlements: but the two races really live apart; and, with the exception of the missionaries and a few isolated settlers, few have sufficient knowledge of the language, superstitions, and social life of the native race to be able to form a judgment of their real character. They are themselves quick observers, and have the tact to take for the moment

the tone of those with whom they are brought into contact, and they exhibit that particular phase of their own character which the occasion may require. The gentleman is struck by their natural good breeding, and their quiet gentlemanly demeanour; the coarse and vulgar-minded who trade with, and live familiarly amongst them, describe them as ungrateful, avaricious, and disobliging; the soldier, who has met them in the field, always speaks of them with respect; the good humoured and light hearted are pleased with their ready appreciation of a joke; and the political agent rarely boasts his superiority over them in diplomatic skill: each observer seems to see himself reflected in their character; and hence, probably, the diversity of opinion respecting it. Like more highly civilized people, they combine qualities the most opposite and contradictory. Individuality and independence are probably their most striking characteristics. Amongst those of the same rank, no one ventures to interfere with, or to assume the slightest authority over, his neighbour. The Maori has none of the materials in his composition to make a pet of: he has nothing of the gentle, loving nature, the affectionate disposition, and the child-like docility of the negro race. He is impatient of injustice, yet amenable to reason, and possesses more common sense and judgment than the mass of a European community. They are keen traders, very cautious, and are not easily deceived. They have not had the advantage of inheriting our gradually acquired powers of abstract thought; but in intellectual quickness,

they are by no means inferior to ourselves. They prefer the useful to the ornamental; spend nothing in mere trash and finery, and appear to have little taste for, or appreciation of, the beautiful.

In their social and domestic relations, much harmony and good feeling seem to prevail amongst them, and they are seldom seen to quarrel amongst themselves. Even when they first became known to us, and while they were in a state of unmitigated barbarism, "the mild and gentle disposition, both of the men and women," was remarked by Capt. Cook. Considering how little the Maori children are subject to restraint, their quiet and orderly conduct is especially remarkable. In bringing them up, the parents seldom have recourse to personal chastisement, believing that it has the effect of damaging the spirit of the child. At an early age, the Maori children acquire great self-respect; and at the public discussions of their elders, they may be seen seated around the outer circle, attentive, grave, and thoughtful listeners. It is only in the interior of New Zealand, however, that the natives can now be seen in their primitive condition, unaffected in their habits and manner of life by English civilization. If a stranger happen to be at a large native settlement on the occasion of some melancholy event of general interest, he can hardly fail to be impressed with the manner in which the Maori people give utterance to their sorrow; and in nothing, perhaps, are the New Zealanders so little altered as in the expression of their grief. It is hardly possible, indeed, to conceive any

sound more expressive of heart-broken sorrow than the native Tangi. On the occasion of the death of a relative, or of any other sorrowful event, they assemble together, and commence their melancholy wail. Tears roll down their cheeks in constant streams; the countenance expresses the utmost intensity of grief; the head is bent down, half-buried in the folds of the blanket, and a shrill piercing wail gives expression to the most heart-rending grief. This melancholy cry will sometimes be kept up without ceasing throughout the day—now one and now another of the mourners keeping up the note with unabated violence. Yet these sounds of lamentation and woe often mean no more, and express no more real feeling, than our own "deep mourning," or the practised gravity of our hired mutes. This same sorrowful cry, but with mitigated violence, is commonly indulged in when friends or relatives meet after a lengthened absence. After rubbing noses together—the accustomed mode of native salutation, they set up the same wailing sound, relating to each other at the same time, in a low muttering tone unintelligible to any but themselves, all the events of interest which have happened since they met. Yet, knowing that these sounds of sorrow are often but a form, and endeavour as he may to steel his heart against their influence, it is impossible for a stranger to hear the native Tangi without a feeling of sorrowful emotion. But the New Zealanders have great command over their feelings, and however anxious they may be, they are never betrayed into eagerness or

haste. The account given of the North American Indians might have been written of the natives of New Zealand. "When an Indian arrives with a message of the greatest importance to his tribe—even with intelligence of the most imminent danger—he never tells it at his first approach, but sits down for a minute or two in silence, to recollect himself before he speaks, that he may not evince fear or excitement."

The number of the native race has generally been exaggerated, but no regular census has yet been taken. Their own mode of numbering the people is like that of the Israelites of old: the women and children not being reckoned, but only the fighting men. Of the total population of the islands, the natives have less knowledge than ourselves: taking the best data from which our estimate can be formed, there is no reason to believe that the whole native race now exceed seventy thousand souls. In some few districts, the population has increased within the last few years; in others, again, it has been nearly stationary; but more generally it has been decreasing, and there is no longer any doubt that the Maori race are fewer in number than they were twenty years ago. There is a sensible diminution also in the number of very aged venerable-looking men. In almost every part of the country, the sexes are unequal: the males predominating. And the children are still comparatively few: the average number of children born is, indeed, in many cases, considerable; but they commonly die young. In some parts of the country, the children are reported to be "healthy

and numerous;" but more commonly they are found to be "decreasing and few." Some years ago, the influenza carried off a considerable number of the natives, of all ages; and more recently the measles proved still more destructive. Small-pox has not yet shown itself in the country, and great efforts have been made to prepare for it by a general vaccination of the people. In one respect, their constitution appears to have improved; owing, probably, to the use of wheaten bread, and to a general improvement in their diet: they certainly appear less scrofulous than before.

When in their heathen state, the New Zealanders had no knowledge of *one supreme Being* as the alone Creator of all things. "Is there *one* maker of all things amongst you Europeans?" urged one of their most powerful heathen chiefs. "Is not one a carpenter, another a blacksmith, another a shipbuilder, and another a housebuilder? and so it was in the beginning. One made this, and another that. The god *Tane* made trees, *Ra* made mountains, and *Tangaroa* made fish." "Your religion," added he, addressing the Christian missionary, "is of to-day—ours, from remote antiquity: think not to destroy our ancient faith with your own new-born religion." In the order of existence, they believed that *Thought* came first, then *Spirit*, and that last of all came *Matter*; but though they believed in the existence of a spiritual world, they had no knowledge of the one true God.

Considering, however, the barbarous condition in

which they were discovered, and the savage practices which so recently prevailed amongst them, their ancient mythological legends were strikingly imaginative and poetical. Their ancient mythology is not without some traces of a Mosaic origin. The first man, they believed, was made by *three* gods; and the first woman was made from his rib; and that mankind had but one pair of primitive ancestors. Upon the birth of a child he immediately underwent the ceremony of being sprinkled with water on the face by the heathen priest. According to the ancient belief, darkness for a length of time prevailed, and the heaven and the earth were united together in close contact. The issue of their union was a numerous progeny, who, wearied by their confinement between the bodies of their parents, conspired together to separate the heaven from the earth. It was at first proposed to slay them; but it was ultimately decided to rend them asunder—so that the sky should become a stranger to them, but that the earth should remain close to them as a nursing-mother. The attempt was made by the progeny, in turn; but each failed to lift up the heaven from the earth. One of them, at length, by a mighty effort, succeeded in separating the heaven from the earth. And then it was that darkness was made manifest, and so was the light. Then, too, was discovered a multitude of human beings, who had hitherto remained concealed between the bodies of their parents.

They believed, too, that, for a time, death had no power over man; and if a certain goddess had not

been deceived by a demigod, that men would not have died, but would have lived for ever. By that deceit, however, death obtained power over mankind, and penetrated to every part of the earth. From the period of their separation, concludes the legend, the vast Heaven has ever remained separated from his spouse the Earth. But their mutual love still continues: the soft warm sighs of her loving bosom still ever rise towards him, ascending from the woody mountains and valleys in a form which men call mist. And the vast Heaven, as he mourns through the long nights his separation from his beloved, sheds frequent tears upon her bosom; and men seeing these, call them dew-drops.

From ignorance of the nature of their religious belief, the character of the New Zealanders has frequently been misunderstood. It was thought strange that so sensible a people should attach so much importance to the observance of the *Tapu*, or *Tabou*, as it is commonly termed in the Polynesian Islands; and that they should subject themselves to the constant inconveniences of an apparently childish and unmeaning custom. Yet their many singular customs are nearly all based upon the religious sentiment. They had no knowledge, it is true, in their heathen state, of *One Supreme Being*, as the Creator and Governor of the Universe, but they had a strong belief in a spiritual state of existence. On the death of their best-loved and most honoured friend or relative, he became, as they believed, the Guardian Spirit of the family. Death had been to him no more than

a sudden change from a visible to an invisible state of existence, and his spirit—the Atua—continued still to take an interest in the ordinary affairs of life; more especially in the fortunes of the family, and in the conduct of its members. He sees and knows everything they think, and say, and do: he is especially jealous of the due observance of the native "Ritenga" by the surviving members of the family. They believed that the faithful observance of certain usages would be pleasing to him, while the neglect of them would draw down upon them the weight of his displeasure: they believe also, that the Atua has the power to reward and punish; that he can give health and prosperity, or visit with disease and death; and upon this belief was based a system of superstitious observances which materially affected their social condition in almost every relation of their lives.

It was believed that the Atua, or Spirit of the Dead, occasionally manifested itself to the living; sometimes in the body of the lizard, or a spider, &c., sometimes in the greenstone Tiki—worn by the natives as an ornament round the neck. When a stalwart Maori ran away in unmistakeable fear on seeing a small lizard, he was thought by those who were ignorant of native superstitions, to be an arrant coward; and when he was seen sometimes to regard with reverence the idol-shaped Tiki, the New Zealander was taken for an idolater; but it was neither the Tiki that he worshipped, nor the lizard which he feared, but the Atua itself, which was supposed to be within them. Whatever object the Atua came into contact with,

acquired, as they thought, by the contact, a portion of the sacred essence, and thereby itself become Tapu, or sacred; and whatever touched the object which had thus become sacred, also became Tapu, and so on indefinitely; for it was believed that the sacred essence of the Atua was communicable by contagion. If food, therefore, or the vessel in which the food was contained, or the fire by which it was cooked, came into contact, even accidentally, with anything that was Tapu, the food could not be eaten, neither could the vessel or the fire be used again; for if the food which had thus become Tapu had, however innocently, been eaten, the unpardonable sacrilege would have been committed of eating a portion of the Atua or Guardian Spirit of the family.

For reasons which have never been satisfactorily ascertained, the head and the back of a native chief are supposed of themselves to be sacred objects. For this reason a chief never carries food, except it may be in his hands; he is extremely careful not to enter a storehouse or any place where food is kept, lest the sacred parts of his person should, even accidentally, come into contact with it. If he do not eat the whole of the meat which may have been placed before him, he does not leave it carelessly behind him, but either carries it away with him or places it where it is not likely to be eaten by any other person. If the native Rītonga be, even unintentionally, broken, the unwitting offender, it was believed, would certainly be punished by the Atua with sickness or some other misfortune. Such being the consequences of infring-

ing the laws relating to the Tapu, we can hardly be surprised that the natives of New Zealand, with their undoubting belief in the existence of an all-powerful Guardian Spirit, exercising a vigilant superintendence over every action of their lives, and jealous of the maintenance of the ancient Ritenga, should regard its due observance with the most punctilious reverence.*

The belief that the persons of the great chiefs are sacred, was frequently turned by them to profitable account. By rubbing any object upon the sacred parts of their own persons, they assumed to exercise the power of rendering it Tapu or sacred. If an influential chief desired to secure any particular cultivation from intrusion, or any forest or river from being poached upon, or any road from being travelled on, he had only to call it his Head or his Backbone, and it at once became more secure from trespass than if it had been fenced round with a high stone wall; for afterwards to enter on the sacred ground would be as great an insult to the chief who Tapued it, as to seize him by the beard or the hair of his head. The power, however, thus assumed by them, was based, not so much upon any superstitious fear of offending the native Atua, as on the power of the chiefs to avenge any insult offered to themselves;

* When the bodies of our countrymen were discovered, after the fatal conflict with the natives at the Wairau, a piece of bread, or damper, was found under the head of one of the principal gentlemen of the party. The head of a chief being considered sacred by the natives, nothing common is allowed to touch it; and as bread or food is deemed to be common, the act of placing a piece of bread under the head of one of the principal victims, was intended by the natives as an insult.

and it was never exercised to obstruct any great general line of road, except by those whose name was itself a tower of strength, and who had confidence in its power to secure the Tapu from being broken: when once imposed, however, the prohibitory ban was no respecter of persons, and it extended to all alike, without distinction of rank or race.*

The practice which prevailed amongst the New Zealanders of placing apart and isolating the sick, was commonly accepted as conclusive proof of their natural cold-blooded cruelty; but it was from no such feeling that the sick were carefully banished from amongst them. They believed that sickness of every kind arose from the actual presence within the sick man of some avenging Spirit, commissioned by the offended Atua to punish a violation of the native Ritenga. The punishment, too, was believed to be curiously apportioned to the magnitude of the offence. If the offence had been of a trivial nature, the agent selected to punish the offender was the Spirit of some departed friend or acquaintance, who from a friendly feeling would deal tenderly with him; if of a grave character, the Spirit of an infant would be employed, who, never having known the offender, would deal with him without fear or favour; but if it were a mortal offence, then some Spirit would be employed, who would take actual pleasure in punishing the victim, and delight to work his wicked will on the very vitals of the sufferer. It was from no feeling, then, of cruelty, that the sick

* See incident in New Zealand travel, in Chapter 10.

were banished from amongst them; but (an Atua being believed to be within them) they were isolated and set apart, in order to avoid the risk of desecration. But from many of these vexatious inconveniences, the slaves enjoyed a singular immunity. When a Maori was taken captive by a conquering tribe, he, in a certain sense, became free by the fact of becoming a slave—he ceased to be influenced by the fear of the Atua. When he was taken from his own people, his own Atua no longer regarded him or took any interest in his conduct; and with the Atua of the conquering tribe he was not of the slightest account: thus, being in no danger of offending any Atua, a slave could do many things with impunity which his captors would avoid in mortal fear; and he consequently became a most useful member of the community.

Having abundance of fern root, the taro and the kumera; pigeons, wild ducks, kukus, and other birds; the rivers abounding with eels, the sands filled with pipis, cockles, and oysters, and the harbours teeming with a variety of fish—it is scarcely probable, especially as the women were not commonly partakers in the feast, that cannibalism was resorted to by the natives of New Zealand from a deficiency of food: the origin of the practice, however, has never been satisfactorily ascertained; but the practice, in modern times, has been confined to the eating of their enemies slain in battle, and it formed part of their elaborate and superstitious war ceremonies. As a general rule, the females were not allowed to eat human flesh; but the body of the first person slain in battle was sacred

to the Atua, or God, who had given them the victory; and it was a custom that the chief female of the principal family of the victorious tribe should eat the ear. Cannibalism, however, amongst the New Zealanders, may now be considered to be extinct. The last-known instance of this practice, once common amongst them, occurred in the year 1844.

The New Zealanders have always been cultivators of the soil: upwards of five hundred years ago, their ancestors brought with them the taro, the kumera, and the gourd—three excellent vegetables, which they still highly value and cultivate with care; but until the last few years their agricultural operations were carried on in the most primitive manner, and with hardly any other implement than a pointed stick. They select the best soil for cultivation, crop it until it is nearly exhausted, and then abandon it for a virgin soil. In this manner large crops of potatoes, wheat, kumeras, and Indian corn, have been grown by them. Their kumera cultivations are kept with all the labour and neatness of a London market-garden. They are now, however, beginning to use the plough, and the attempt is being made to induce them to breed sheep and cattle, instead of pigs, to lay down land with English grasses, and, instead of wearing out the land by constant cropping, to fix themselves to the soil by adopting the system of a rotation of crops. "For some time," said the Waikato Maories, in a letter inserted in the *Maori Messenger*, "our hearts have been set upon searching out some of the customs of the Europeans, and we have been engaged in this

until the present time; and we intend to commence this year to follow the customs of the Europeans, as we think we have attained to some knowledge of these customs. The *Maori Messenger* is constantly urging us to get cattle and sheep, and advising us to turn our attention to farming, as a means by which the Maories may elevate themselves. It was one of the newspapers printed in 1857 that drew our attention to this subject. We are now endeavouring to follow the advice given to us: we have purchased cattle and sheep, and are now turning our attention to farming. Our lands, which were formerly allowed to run to waste, we have now divided into portions, varying from two hundred, five hundred, and up to two thousand acres for each individual. These have been marked off as runs for cattle and sheep, and for growing wheat, potatoes, oats, clover, grass, &c., for disposal to the Europeans, and also for food for our horses. We wish this letter to be printed by the editor of the *Maori Messenger*, that our European friends may know our thoughts."

Though abundantly supplied with pigs, the Maories eat but little animal food, their diet being chiefly vegetables and fish. Beans and potatoes are largely cultivated by them. Fern-root was their great staple; Indian corn, especially after having been soaked till it has reached a state of pungent putrefaction, is enjoyed by them with the keenest relish. Eels, cockles, snapper, and the mango, or small shark, are the fish of which they consume the greatest quantity. In some parts of the country

ducks and pigeons are caught in large numbers; and on festive occasions pork is the principal article of solid food. Their mode of cooking is simple, economical, and expeditious; and an abundant meal for a large party can be well cooked in a short time, and with a small expenditure of fuel, in a hangi, or native oven. The signs of a forthcoming meal are never to be mistaken. Several of the women—on hospitable thoughts intent—may be seen briskly engaged in scraping potatoes and carrying them to the nearest brook to be well washed. The village Kuia will then begin to busy herself in clearing out a hole in the ground about two feet in diameter, and a foot deep. In this hole she will then light a wood fire, and place upon it a score of stones about the size of her fist; when they have become thoroughly heated, the fire is raked out of the oven and the hot stones are left at the bottom. Bunches of green leaves, or pieces of well damped matting, are then placed upon the stones, and the potatoes are poured in: to the potatoes are sometimes added pumpkin, taro, hue, kumera, or cabbage, according to the season; and sometimes a string of eels, or some other fish, or a piece of pork. The contents of the oven are then carefully covered with several folds of matting, a little water is poured upon the top, and the whole is completely covered over with a heap of fine earth, so as effectually to confine the steam. On state occasions some of the younger women, while the food is in the oven, will be seen quickly plaiting the leaf of the flax plant into small open baskets; nor have they much

time to spare for the purpose, for in the course of about half an hour the presiding genius will be dimly seen, enveloped in a cloud of steam, raking the earth from the top of the oven, and carefully removing the layer of matting. When the last mat is removed, there is disclosed to view the huge pile of food, beautifully cooked, hot and steaming; every part of it perfectly well done, without a single speck of dirt to be seen upon it. Thus cooked, the contents of the hangi will be found to be excellent; and, what is not a little curious, however varied may be its contents—though it contain fish, flesh, fowl, dried shark, and vegetables—neither the flesh will be underdone, nor the vegetables overdone. While the food is being served up in the newly plaited baskets, the company divide themselves into small groups; and a basket of food is then placed by the ladies before each group, who, without the aid of knife or fork, soon empty it of its contents—the women and children commonly taking their meal afterwards, apart.

On occasions of great public interest the Maories assemble in large numbers from distant parts of the country, and preparations are made at great expense to supply the requisite materials for their hospitable entertainment. At a great meeting recently held on the Waikato, at which upwards of two thousand were assembled, the following was the bill of fare:—15 bullocks, 20,000 dried sharks, 20 baskets of fresh eels, 100,000 dried eels, 50 baskets of patiki and mataitai, 30 bags of sugar, 8,000 kits of potatoes and kumeras, a large quantity of flour, &c., and last, but

not least, 1,500 lbs. of tobacco. Chiefs and slaves, young men and maidens, old men and children, all, without exception, have a craving for tobacco; and with old Salvation Yeo would sing this chorus in its praise:—that "when all things were made, none was made better than this to be a lone man's companion, a bachelor's friend, a hungry man's food, a sad man's cordial, a wakeful man's sleep, and a chilly man's fire;" and that "for the staunching of wounds, purging of rheum, and settling of the stomach, there is no herb like unto it under the canopy of heaven."

The general intelligence and independent bearing of the New Zealanders, their scrupulous observance of religious ordinances, their intellectual capacity, and the progress which has been made by them in the rudiments of education, can hardly fail to be remarkable. But because the great majority of the people have received the religion of their Christian teachers, and have learned to read and write, it is assumed that they must at the same time have adopted the habits and usages of civilised life; and, not reflecting on the length of time required, under the most favourable circumstances, for acquiring new tastes and confirmed habits, strangers are commonly disappointed with the amount of improvement which has taken place in their social, personal, and domestic habits, and with the rude condition generally in which they are still content to live. Though gradually acquiring the habits and usages of civilised life, they have as yet, however, made but little improvement in their habitations; and the description

given,* some years ago, of their general mode of living, is still substantially correct: — "Three hundred days out of the year their food contains little good nourishment; they are badly clad, and worse housed: their habitations are, indeed, miserable huts; their beds are on the ground; the secretion from their skins is checked by filth; and they often sleep in crowded huts in winter to keep each other warm; during which time the air they respire is most unwholesome."

Formerly the dress of both men and women consisted of a mat made of the native flax, manufactured in various styles: some rough and shaggy; others, again, made of the finest kinds of flax, wrought with the greatest care and ornamented with a handsome variegated border. As the English blanket became known, it gradually succeeded the native mat; and the blanket is now gradually giving way to an English style of dress. Instead of either the mat or the blanket, the men now commonly wear a shirt and trousers; and the women, a long loose roundabout of coloured cotton print. By the men, hats, caps, and shoes too are beginning to be worn. In the way of ornament, a fantastic-looking greenstone image is sometimes worn about the neck: all have their ears bored, and a piece of greenstone, or a shark's tooth, tipped at the thick end with red sealing-wax and suspended by a piece of black ribbon, plays the part of ear-drop. The women do not commonly wear any covering either on the head or feet, but on

* Dr. Thomson, 58th Regiment.

occasions of public mourning they adorn their heads with chaplets of green leaves. A large straw hat is occasionally worn; but an English bonnet does not become the features of a Maori woman. In the native villages of the interior the Maori children are innocent alike of soap and water, and still enjoy the liberty of disporting themselves in *puris naturalibus.*

As may be readily imagined, no great amount of social intercourse has yet been established between the English settlers and the Maories. By some friend of the race, a well-disposed native is occasionally invited to a meal at an English table; and he uniformly conducts himself with studied and scrupulous propriety. But the great majority of the people are still living in a rude uncivilised state: their habitations are small, and for want of chimneys and fire-places, their persons, their garments, and everything belonging to them become perfectly saturated with the pungent odour of wood smoke. Finger forks are still in common use, and they are by no means extravagant in the use of soap. They are advancing, indeed, steadily in the habits and usages of civilised life; but, both by language and by their widely different modes of life, the two races are still entirely kept apart.*

* For several years, a few of the chiefs have been dressed up to appear at a Governor's levée or at a birthday ball; and at a recent ball at Government House, some of them were accompanied by their wives. "The company presented a more than usually gay appearance, owing partly to the presence of more than the average number of military men in uniform, and also to the first appearance of the wives of some of the principal natives; who, though generally attired in white ball-dresses, had had those dresses made after the latest fashion, and had their broad-

An amalgamation of the races has already taken place to a considerable extent; but of regular intermarriages between the *English woman* and the Maori there are not more than three or four recorded instances. For several years before we assumed the sovereignty of these islands, an irregular species of colonization had been slowly going on. Whaling and sealing parties were established on various parts of the coast; and a considerable trade had for some time been carried on with the natives, by traders from New South Wales. Whale-ships in large numbers frequented the northern ports; and a white population, made up of runaway seamen, escaped convicts, travelling traders, land speculators, and adventurers from the neighbouring colonies, amounting to more than a thousand souls, had settled themselves in various parts of the country before it became subject to our rule. Most of these men, as well as some of the first regular colonists, in the absence of their own countrywomen, formed alliances with women of the Maori race. Docile and easy-tempered, they were found to make patient nurses and obedient household drudges; and, considering

brimmed straw hats dressed out with feathers and ribbons of bright and well-contrasted colours. They enjoyed the dancing much, and with great animation commented, to some of the Pakeha gentlemen who understood Maori, on the principal features of the brilliant scene before them. They also enjoyed several promenades between the dances, and stood up in some of the quadrilles with European partners; so soon mastering the 'figures' that we shall not be at all surprised at both the quadrille and polka being soon naturalized among the natives. One or two of the chiefs also stood up in a quadrille, of which they approved more than the waltz or polka."—*New Zealander*, Oct. 31, 1857.

the character of their mates, were entitled, if not by law, at least by courtesy, to be called their better-half. The total number of the half-caste race in New Zealand has never been correctly ascertained. In the province of Auckland, according to the census of 1857, the number amounted to 500; and this return only shows the number of half-caste children living with and acknowledged by the father, and does not comprise those who are living amongst the natives in the native pas and villages, brought up Maori fashion by the Maori mother. Intellectually, if not morally, they are equal to either parent. Physically, the New Zealand half-caste is a good-looking race, varying in complexion from a dark olive to a fresh English red and white: their prevailing colour being a dark brunette. The Maori women themselves, have, generally speaking, no pretension to good looks; but, with a well-developed figure, a warm complexion, and full red lips, with pearly teeth and raven hair, gentle, mild, and loving eyes, fringed with deep dark lashes, the half-caste girl, without any great regularity of feature, is by no means unattractive. With few exceptions, the half-caste children are utterly uneducated, and are brought up Maori fashion by the native mother.

The half-caste girls commonly intermarry with, or become the *quasi* wives of, settlers in the bush; and as regards food, clothing, and manner of life, they improve their condition by sharing what an Englishwoman would consider the discomforts of his life. Unlike our own countrywomen, under similar circumstances, the half-caste girl is not tormented with vain

repinings; nor is her temper soured by fretting over the memory of happier days. Conscious of no moral or social degradation, she takes life easy, and in her total isolation from the world finds nothing to complain of. For a man who has given up all hope of retrieving his fortune, or of returning to society, and who is content to spend his days in the obscurity and retirement of a semi-barbarous life, "the world forgetting and by the world forgot" a half-caste girl may be a suitable companion. She is gentle in temper and disposition, has no desire for change, and is contented with her lot. But the grave of all ambition is marriage with an uneducated half-caste girl: and though no legal ties may bind the pair, the result is commonly the same. The man has no spur to ambition in his companion; he becomes attached by her gentleness; finds himself surrounded by a troop of pretty children; and if he should afterwards have the means of returning to society, he has not the inclination: indeed, were it otherwise, his children and their mother are unfitted for the usages of civilized life; and, bound by the ties of nature, he has not now the heart to leave them. Some of the half-caste race, however, have been educated in the native Mission-schools, and a few have been sent to English schools and received an excellent education.

Through the instrumentality of the Christian Missionary, the great majority of the Maori people are now professing Christians,* strict observers of the

* "When first Missionaries came to preach the Gospel in New Zealand," says Dr. Shortland, "the Atua [Gods] were frequently consulted

Sabbath, and regular communicants. On his first arrival in the country, fifteen years ago, the Bishop of New Zealand was struck with their orderly observance of religious ordinances. In February, 1843, he wrote, "I held my first confirmation, at which 325 natives were confirmed; and a more orderly, and, I hope, impressive ceremony, could not have been conducted in any church in England: the natives coming up in parties to the communion-table, and audibly repeating the answer, 'Ewakoatia ana e ahau' (I do confess). It was a most striking sight to see a church filled with native Christians, ready at my first invitation to obey the ordinances of their religion. On the following Sunday, 300 native communicants assembled at the Lord's table, though the rain was unceasing; and some of them came two days' journey for this purpose." On another occasion "a noble congregation, amounting to at least 1,000, assembled amidst the ruins of the chapel (recently blown down). They came up in the most orderly way, in parties, headed by the native chiefs and teachers, and took their places on the ground with all the regularity of so many companies of soldiers. We were placed under an awning made of tents, but the congregation sat in the sun. The gathering of this body of people, their attentive manner, and the deep sonorous uniformity of their responses, was

whether their preaching was true or lying. It is a remarkable fact, that whenever the inquiry was made, the answer invariably given declared Jesus Christ to be the true God. This may account for the little opposition which the introduction of Christianity received in New Zealand."—*Traditions and Superstitions of the New Zealanders.*

most striking." In all parts of the country large and commodious buildings have been erected by them as places for Christian worship;* and in almost every native village, morning and evening, daily, the bell—not unfrequently the barrel of a worn out musket—summons the inhabitants to prayers. They have a considerable acquaintance with the New Testament; and on every occasion, they are ready to cite an authority or to quote a text from Scripture. When the subject was recently mooted amongst them of electing a Maori king, it was from no impatience of British rule, but, on the contrary, because we reigned but did not govern. And "now," said one of them, addressing our countrymen, "ye are full, now ye are rich, ye have reigned as kings without us: and I would to God ye did reign, that we also might reign with you."† In the case of adult converts, it is probable that their superstitious belief is never wholly eradicated or altogether superseded by the new religion. As a body, however, the Christian natives are powerfully influenced in the conduct of their lives by the power of the Christian

* Describing a native chapel at Waikanae, the Bishop of New Zealand says: "I found that a beautiful and spacious new chapel had been built since my last visit. The building fully deserves the title I have given it. It is about 70 feet long by 40. The interior is ornamented with white basket-work, interlaced with grey rods, in the spaces between the large upright pillars which support the roof; giving the appearance of the most delicate carved work. The upright pillars are painted with the deep red ochre of the country, and the timbers of the roof variegated with scrolls of white, after the native fashion. The whole is most thoroughly striking and characteristic; and, with the exception of the windows, is entirely of native workmanship."

† 1 Cor., iv., 8.

faith. Twenty years ago, when the Bishop of Australia paid a visit to New Zealand, he expressed his persuasion that the character of the converted natives had been improved by their acquaintance with the truths of the Gospel: that their self-will, rapacity, and sanguinary inclination had been softened, and that their superstitions had given place, in many instances, to a correct apprehension of the spiritual tendencies of the Gospel.* And if the modern traveller shall chance to rest at a Mission station on the Sabbath-day, he will witness—to a reflecting mind—one of the most striking sights on earth. He may see a powerful aged chief, no long time ago an unmitigated heathen, cannibal, and savage, forming one of a Sunday school class; sitting, it may be, next to one of his own slave boys, and meekly receiving the catechizing and teaching of a native teacher, in age, rank, and station, far inferior to

* And with reference to their former laws and customs, it has recently been asked (1856): "Do we now hear of a breach of the seventh commandment being punished with death, as was once generally the case amongst the natives?

"Are nowadays slight offences visited with banishment into the Koraha (bush) according to their former custom?

"Do we still witness the Wahi Tapu (sacred places) as being the fearful source of annoyance and strife, of war and bloodshed? Or have they not been cast into oblivion?

"Has not the right to plunder houses, pahs, and even tribes, for an expression made under excitement and construed into 'a curse,' been generally given up and abandoned?

"Is not the barbarous habit of stripping shipwrecked mariners of their remaining property, practically forgotten on the shores of New Zealand?

"Has not the law of 'Utu' (payment) for fancied injuries from 'Makutu' (witchcraft) become so obsolete as to be hardly ever heard of?

"Might not many similar native laws and customs be mentioned which recent settlers do not even know by hearsay?

himself. "The grey-haired man and the aged woman," wrote Bishop Broughton, "took their places, to read and undergo examination, among their descendants of the second and third generations. The chief and the slave stood side by side, with the same holy volume in their hands, and exerted their endeavours each to surpass the others in returning proper answers to the questions put to them concerning what they had been reading."

Though native wars have not yet ceased, their character has been changed: and to no other cause than the teaching of the Christian Missionary can the change be ascribed, from the barbarous and revolting usages of their heathen state, to the humane, civilized, and, in many respects, chivalrous manner in which their modern warfare is conducted. "The people of England," some time ago wrote the Rev. R. Maunsell, referring to a native war amongst the Waikato tribes, "methodical and consistent even in anger, can scarcely conceive two large bodies of men meeting fully armed, engaging in a most strenuous struggle—one party in breaking down, the other in defending, a piece of fencing, and both using the most violent language to each other; the bell for evening prayers ringing, and both parties, each in their positions of defence and attack, with their guns lying beside them, joining in worship, while I addressed them from Ephes. iv. 26, and, pointing to the setting sun, urged my text, "Be angry and sin not: let not the sun go down on your wrath;" then rising up, each dispersing to their respective

encampments, quietly preparing food for the Lord's-day, and meeting together on the morrow for worship as if nothing had happened." In our various encounters with them, they have certainly fought their battles gallantly, and have seldom had recourse to stratagem or surprise; and, not unfrequently, in victory showing moderation. On the occasion of his attack on Kororarika, Heki not only proclaimed his intention to cut down the flagstaff, but named the day, and publicly made known the plan of the attack. "After the destruction of the settlement," wrote an eye-witness, "the smoke of the town went up like the smoke of a furnace. All that had been devoted to mammon was gone, but heathen vengeance had spared the patrimony of God. The two chapels and the houses of the clergy remained undestroyed." After the termination of the Northern war, Heki, during the short remainder of his life, became a well-disposed subject, and a counsellor of peace. "After I am gone," was reported to have been his dying words to the people of his tribe, "be kind to the Europeans. I shall pass away—the rebellious man—the man who killed the Europeans. Do not break that peace that exists between the Governor and myself; but deal kindly to the Europeans, and let them become your fathers after my decease."

As might be expected, however, with so shrewd a people, the religious divisions amongst ourselves have been found a cause of hindrance. "You Europeans," urged a powerful heathen chief, "are not even agreed amongst yourselves as to what is the true religion.

The *Church* missionary teaches us *this* is the true faith; the Roman Catholic tells us that *that* is the true faith; while the Wesleyan missionary assures us that the only true road is different from either. When you have agreed amongst yourselves which is the right road, I may perhaps be induced to take it; but until you do, I shall continue to follow in the way of my fathers." But the greatest obstruction to Christianity in heathen countries, it has been observed, is the palpable and undeniable depravity of Christian nations: the heathen abhor our religion because we are such unhappy specimens of it. They are unable to read our books, but they can read our lives, and they have reason to set down the professing Christian as little better than themselves. Before we colonized New Zealand, we sent missionaries to preach the Gospel to its heathen people. We then went ourselves to exhibit it in practice; and the tree has been judged by its fruit. Already, a habit of intemperance is gaining ground amongst the native people. When we first went amongst them, they had for every kind of intoxicating liquor a positive dislike, and for several years a drunken Maori was never to be seen. But the English settlements are now beset at every turn with licensed grog-shops, and in spite of the most stringent prohibitory law, and of a legion of magistrates to enforce it, the Maories are supplied with the deadly "fire-water;" and, like too many of our countrymen, may now too frequently be seen reeling in the streets. And when the heathen Maories see their men

made drunk, their women debauched, and their chiefs called "bloody Maories," no wonder our religion shall appear to them but little better than the empty profession of a barren creed; nor can it be a matter of surprise if the fervent zeal of the early converts should visibly abate, or that some of them should fall back again upon their heathen faith.

The New Zealanders had no written language; and for several years the only book in the native language was a portion of the New Testament: copies of the Maori translation were, by the natives, eagerly desired and diligently read. But few of the colonists make a study of the Maori language; they are content to pick up a few useful words: the Maori, on the other hand, learn a few English words in common use, and, by means of an extemporised colloquial jargon, eked out by much emphasis and gesticulation, the two races carry on their commercial dealings with each other. Though by no means copious, the language contains a sufficient number of words to be capable of a considerable variety of expression. The alphabet contains but thirteen letters; the letters *b*, *c*, *d*, *f*, *g*, *j*, *l*, *q*, *s*, *v*, *x*, *y* and *z*, not being required to convey its several sounds: *k* is a predominating letter. But though less soft than the languages spoken in some of the northern islands, it is still anything but harsh. With the exception of *ng* every other letter is a vowel; every word ends with a vowel, and the words are pronounced with the soft Italian sound. Not having *s* and *th* in their own language, the Maories find considerable difficulty in acquiring the

pronunciation of English sounds. Their ancient mythology and traditions are now being gradually lost, and but for the timely exertions of Sir George Grey, Dr. Edward Shortland, and the Rev. Richard Taylor, who have recently collected and published some of their most interesting legends, rhythmical prayers, and ancient songs, these traces of the early history of the Maori race would, in the course of another generation, have been irretrievably lost. The first writings in the Maori language were portions of the New Testament, the Bible, and of our Book of Common Prayer. The translation of the Old Testament has only recently been completed; but the New Zealanders have been in possession of the whole of the New Testament in their own language for a period of upwards of twenty years. The "Pilgrim's Progress," the story of "Peter the Great," "Robinson Crusoe," a volume of Fables, and several elementary school-books, have also been written for them in the Maori language; and a small periodical, *Te Karere Maori* (*The Maori Messenger**), printed

* The first number of a weekly newspaper in Maori, called the "Messenger of Port Nicholson," was also recently published at Wellington (Sept., 1857). "We cannot better convey an idea of the general object of this unassuming attempt," says the 'Wellington Independent,' than by inserting a literal translation of the leading article in the number before us:"—

"LAND.—Friends, what is the great subject for an article in this newspaper? Perhaps at this time, the great question is that of—the land. The Maori thinks much of his land. This is right. It is the mother whence springs his sustenance; according to the ancient proverb, "the kumera and the fern-root were hidden in the earth." But after all, it is by the skill and industry of man that the land becomes good—that it yields its increase, and its owners acquire wealth. Only just think. In years gone by, the native possessed all this land—he wandered over it—

in parallel columns, native and English, and containing information and instruction adapted to their requirements, is published for them twice a month in

he beheld it—*his* land. It often became a cause of war. But he derived at that time no special good from it. His food consisted of fern-root, cockles, and rats; his garments were the mat and red ochre; his house was built of rushes; his cart was his own back; and his residence was a stockade! In these days, he has become a partaker of all the good things of the white man. Former customs have passed away: his mouth has tasted sweet food; his body is clothed with warm raiment; he rides upon the horse which the white man has brought; his dwelling is peaceful, according to the white man's laws; he is progressively becoming altogether like the white man himself. Whence this change? He bartered some of his land to the white man that he might live on it and improve it. England is full of people. Its inhabitants are like the sand on the sea-shore for multitude. When it was known that there was land for them in this country, they came here, together with their wealth, with their knowledge, and with their laws. Then the native saw the many things of the white man; his desire for them increased; he soon became possessed of them. Hence the Maori has raised his condition. Thus, you see, those who are living near the town, and other English settlements, they partake, in common with the white man, of his wealth. And this is the way by which the native will assimilate to the white man. Let him dispose of his waste land: of what use to him is a large portion of this country? Can he cultivate it? certainly not. It will continue to be a subject of dispute and war, as in the case of Moananui and Hapuku. Better for the native to think seriously and dispose of his useless lands; a settlement for the white man; whereby the white man and the Maori may live together, as elder and younger brothers. While the land lies waste, it is without value—it brings forth nothing for man. Let the white man possess it: he surveys it, he resides on it, he makes roads, he builds towns. At once the value of the land rises: one acre becomes worth much. The portion reserved for the Maori is far more valuable than the whole land formerly was. What has made it good? What has raised it value? Why, the residence of the white man—his labour and his skill. Think again. What were Wellington and Hutt in former days? Now, they are of much value: a small portion of land costs a great price, because the white man has made it so. Don't be ignorant, O ye natives! Don't say, 'Oh, our land will be gone!' There is land enough for all. Don't say, 'The payment is little!' By selling to the white man, you will multiply the value of that which remains. Let there be many white people, with their houses, their

Auckland, under the superintendence of the Government. And with a view to open to them at once the storehouse of knowledge, and at the same time to further the amalgamation of the two races, it has been made a fundamental condition that the English language shall be taught in all native schools, supported, wholly or in part, by a grant from the public fund.

Nearly forty years ago a grammar of the Maori language was published in England by the Church Missionary Society, with the assistance and under the superintendence of Professor Lee. The Rev. Robert Maunsell, by whom the native version of the Bible has recently been corrected and revised, subsequently published a learned work on the grammar of the language; and more recently still, a valuable help

horses, their cows, their sheep, and other things, and then the payment for land will become large: the land is worth little at first, in course of time it increases in value. Therefore do we advise all native chiefs to sell to the Government those lands which are lying waste, reserving for themselves and for their children certain portions. That is another good thought. Let the land which remains with the Maori be surveyed; let each chief and his family have his own portion. The survey will mark the boundaries of each, and the Government can give a title of permanent possession in all respects equal to that of the white man. This also. Listen! Don't fool away the money received in payment for land. If the natives will consent, it is a good plan to receive the payment in annuities. Instead of receiving all at once, a yearly sum will be forthcoming during a stated number of years. In this way the money will be made to last a long time. This is all we shall say on this subject for the present. There are many other things to write about—such as native feasts, the public-house, the school, so on, and so on. If any native does not approve of what we have said, we shall be well pleased for him to write to us his thoughts to be printed in this newspaper. We are willing that the sentiments of the natives on this subject shall be made known."

has been given to the Maori student by Archdeacon William Williams, in his "Dictionary and Concise Grammar of the New Zealand Language."*

But the most remarkable contribution to Maori literature is a volume of "Poems, Traditions, and Chaunts, of the Maories;" collected and published by Sir George Grey. The object of the work was to show what New Zealand was "before its natives were converted to the Christian faith; and no more fitting means of accomplishing such an object appeared attainable than that of letting the people themselves testify of their former state, by collecting their traditional poetry, and their heathen prayers and incantations, composed and sung for centuries before the light of Christianity had broken upon their country." No one unacquainted with New Zealand can form an estimate of the difficulty of the undertaking. Many of these poems, &c., were put together bit by bit, from mouth to mouth, here a little and there a little; for they are rapidly passing out of memory. In one part of the country the commencement of a poem would be met with; and, not until after a long interval, and perhaps at a distance of some hundred miles, would the remainder be supplied. So ancient and figurative, too, is the language in which some of them are composed, that they are now intelligible only to a few, even among the New Zealanders themselves. "The most favourable times," says the author, "for collecting these poems, and those at which most of them were in the first instance obtained, was at the great

* Williams and Norgate, Henrietta Street, Covent Garden.

meetings of the people upon public affairs, when their chiefs and most eloquent orators addressed them. On these occasions, according to the custom of the nation, the most effective speeches were invariably principally made up from recitations of portions of ancient poems. In this way the art of the orator was shown by his selecting a quotation from an ancient poem which figuratively but dimly shadowed forth his intentions and opinions. As he spoke, the people were pleased at the beauty of the poetry and at his knowledge of their ancient poets, whilst their ingenuity was excited to endeavour to detect from his figurative language what were his intentions and designs: quotation after quotation, as they were rapidly and forcibly chanted, made his meaning clearer and clearer; curiosity and attention were by degrees riveted upon the speaker; and, if his sentiments were in unison with the great mass of the assembly, and he was a man of influence, as each succeeding quotation gradually removed the doubts upon the minds of the attentive group who were seated upon the ground around him, murmur of applause rose after murmur of applause, until, at some closing quotation, which left no doubt as to his real meaning, the whole assembly gave way to tumults of delight, and applauded equally the determination which he had formed, his poetic knowledge, and his oratorical art, by which, under images beautiful to them, he had, for so long a time, and at last so perfectly, manifested his real intentions."

The poems, &c., contained in this volume, numerous as they are, extending over upwards of 400 pages,

are but a portion of the traditional native poetry still lingering in the memories of the people. And when the promised translation shall be given to the world it will be seen how much poetical feeling may co-exist with the most revolting usages of a barbarous life. There are not three people in Great Britain who could attempt to give an intelligible translation of these Maori poems. Considering the time, labour, and expense employed in collecting them and arranging them into metre—the occupation of the author, actively engaged in administering the government of the country during a critical period of its history—and the small measure of appreciation which would be entertained of the nature and value of the undertaking, "NGA MOTEATEA ME NGA MAKIRARA O NGA MAORI" may justly be regarded as one of the curiosities of modern literature.

The greater part of the native traditions are in the form of chants, songs, or poems: and with their modern compositions it is still the same. Amongst the numerous valedictory addresses presented to Governor Grey on his departure from New Zealand, there was scarcely one which did not comprise a poetical Lament composed for the occasion. The figures with which their language abounds are all drawn from the natural objects around them; and their manner of speech, in its most prosaic form, seems to be pervaded with a lofty tone, contrasting strangely with the rude appearance of its authors. The living are sometimes addressed as "My Bird," and the dead as the "Evening Star." The wind and the rain—the hoarfrost and the

sun—the earthquake and the sea—are among their most frequent figures. A "clear stream and a cloudless sky" will be used to describe a state of peace. "The name and reputation which a Maori acquires by war and bloodshed," said a Christian convert to a heathen brother, "is like the hoarfrost, which disappears as soon as the sun shines upon it; but when a man is bent on seeking the things of Jesus Christ, his name lives for ever." "When you came," said one of their valedictory addresses, "it was like the shock of an earthquake. . . You came with two lights—the lamp of God and the lamp of the world." "On your arrival," said another, "the rain was beating and the wind blowing fiercely, and then you lifted up your voice to calm the raging elements." "We write to tell you," said another, "that we are being beset by the tribes of New Zealand. The winds of Hauraki, the winds of Maketu, and the winds of Whakatane are sweeping along the coast of Tauranga," meaning the people of Hauraki, &c., were threatening to attack the Tauranga tribes. "With you are the thoughts regarding us during your absence, because we do not know the day the wolves may come and tear the sheep, and some will be scattered." "When the missionaries first came to this land," said the address of the Rotorua chiefs, "there was little industry, and little good was visible; but there was much indolence and much wickedness, and all lived in ignorance. Then God kindled his light, and lo! it became day." And "you have been as one of the Ministers of the Churches, therefore we call you by these

names:—the Peace-maker — the Honourable — the Friendly One—the Loving One—the Kind One—the Director—the Protector—the Far-famed One—the Lifter-up—and the Father." Their songs and poems, both ancient and modern, abound, in fact, with poetic imagery: yet the modern New Zealanders are essentially a practical, matter-of-fact people. The story of "Peter the Great," which has been written for them in Maori, is read with avidity; while "Robinson Crusoe" has no charms for them, because it is not true.

The modern style of native oratory is plain, intelligible, straightforward, and to the purpose: it is still, however, occasionally highly figurative, and sometimes so obscurely so as to be intelligible only to a few. All questions of importance are discussed by them in public assembly; the great chiefs taking the leading part. They speak with great animation, walking about from side to side, repeating two or three times each word and sentence as they proceed. When excited, the orator dances about like a tiger in a cage, slapping his tattooed thighs, and brandishing a spear or tomahawk about his head. One of their most interesting meetings was held at Coromandel Harbour, about forty miles from Auckland, when a large body of natives were assembled to consider the course to be pursued by them on the occasion of the discovery of gold on native land. For some time after the discovery became known, scarcely a day elapsed without an arrival at Coromandel Harbour of parties from Auckland, all intent on exploring the neighbourhood. But as yet, no arrangement had been entered into

with the natives, who began to evince some uneasiness lest the ground should be occupied before any terms had been agreed upon; and, although friendly and well-disposed towards those who were then employed in prosecuting the search, they declared their unwillingness to permit any addition to the number. A serious responsibility also devolved upon the executive authorities. Ought the Government to interfere? how were they to proceed? and when were they to act? were questions all demanding an immediate and prudent decision. The rights of the Crown, the rights of the owners of the soil, the interests of the public in the discovery, and the peace of the country itself, were all involved in the issue. When gold was discovered in the neighbouring colonies, the Australian Government had to deal with an emergency of a novel and difficult character: but in New Zealand the emergency was rendered still more formidable by the fact that the gold was discovered, not, as in the Australian colonies, upon the land of the Crown, but upon that of an armed native race, jealous in the extreme of their territorial rights. By the treaty of Waitangi, the Crown guaranteed to the natives of New Zealand the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties; but by the same treaty, the natives, on the other hand, ceded to the Crown of England all the rights and powers of sovereignty which they had, or which they might be supposed to possess. It would no doubt therefore be held by English lawyers that the Crown, by virtue of her Majesty's sovereignty

over the islands of New Zealand, was entitled to all gold in its natural place of deposit, though found on the lands of her Majesty's native subjects. But it was at the same time equally certain that the practical assertion of that right would be viewed by the natives of New Zealand as a violation of the terms of the treaty. To obtain for all classes of her Majesty's subjects a participation in the advantages of the discovery, having regard to the rights of the Crown, to the interests of the native owners of the soil, and to the maintenance of friendly relations with them, was the problem which was to be solved; and it was obvious to all that nothing but the united efforts of the Government, the colonists, and the natives, to carry out some well-considered system for the working of the gold-field, would prevent the discovery from proving an unmitigated curse.

The natives themselves now began to take an active interest in the subject; and it was proposed by them that they should meet together for the purpose of considering the measures which it would be expedient to take with reference to the recent discovery. The time having arrived for the meeting of the chiefs, the Lieutenant-Governor proceeded to Coromandel Harbour, and was shortly afterwards followed by the Bishop and the Chief Justice, who had also been invited by the natives to be present. All the parties being assembled, the Lieutenant-Governor opened the business in a short address, informing them that he had come to offer them protection—to concert with them measures for preserving order amongst the num-

bers who would probably be attracted to the spot by the news of the recent discovery—to listen to their own views upon the subject, and to give any explanation they might require as to the intentions of the Government.

The first person who came forward on the part of the natives, was a venerable-looking old man, Te Taniwha by name, one of the principal chiefs of the Coromandel district. He spoke shortly, but to the point. "O son!" said he (meaning another chief who claimed jointly with himself the Matawai gold field), "let this be our motto: 'It is well—it is well.' These are the tokens of peace—the presence of the Governor, the Bishop, and the Chief Justice. Ye who are here, acknowledge these as your parents. My children, be not sad: it is well—all is well. The messengers of God—of truth—stand here; even the bone of that which is good. The arrangements are left to you, O Governor, the Bishop, and Chief Justice."

Te Taniwha was followed by Hohepa Paraoni, at considerable length, but still to the same point: "We have no wish to conceal the gold, or to let it remain in the earth: this is what we accede to, O Governor; for the gold to be taken, but the land to be left. But Wairau is the only place we will at present give up to be worked; but when we see that this works well, we will give up other places." . . "If the Governor is pleased with these thoughts, we will give up the gold to be worked: the owners of the land, however, will expect something for the gold." "Yes," chimed

in Te Taniwha, just waking from a doze, "Yes, let the gold be dug."

The presence of that aged chief, the last of his race who could tell the tale of the white man's first arrival in New Zealand—his venerable appearance, and the occasion itself, gave to the meeting an unusual interest. Though bowed down and enfeebled by age, the old man still retained the possession of his faculties, and in a remarkable degree possessed that bold outline of head and face which formerly distinguished the chieftains of the country. There stood the last living link between the "past and present" of New Zealand: one who, in time long past, had himself stood face to face with England's honoured navigator, and who then still lived to tell of Captain Cook's first visit to New Zealand; how the natives all thought that his ship was a large kind of whale, and that the men on board were gods; how for some time he, Te Taniwha himself, then but a little boy, was afraid to go on board; how Captain Cook spoke little—less than the others—but took more notice of the children, patting them kindly on the head, and how he gave them the first potatoes they had seen—

> "And soothed with gifts, and greeted with a smile
> The simple native of the new-found isle."

And now this venerable chief, as the crowning act of a long, eventful life, and confiding in the justice of the British Crown, came forward to welcome the Queen's vicegerent to the new-found fields of gold. When the first specimens were shown him of the gold discovered on his land, he said he should now be content to die:

that he had lived many days, but that this was the brightest of them all. He did not seem to value the consideration of the gain it would be to him, so much as the thought that *his land*, the land of his ancestors, should be the first to produce gold. Glancing at the time-honoured peak of Motou Tene, and turning to the setting sun, he appeared to commune with the generation he had outlived.*

More recently, a large meeting was held on the banks of the Waikato, to consider the propriety of electing a Maori king. At this meeting upwards of two thousand natives were assembled; and the speeches on the occasion afford a fair specimen of the native

* This aged chief outlived his generation but for another year. His death was thus noticed in the "New Zealander," December 7th, 1853:—

"It is with regret that we announce the death of Te Taniwha, or Te Horeta,—more generally and familiarly known to Europeans as 'Hook-Nose,'—the celebrated Chief of the Ngatiwhanaunga, which took place at Coromandel on the 21st of November. He had lived, however, beyond the ordinary term allotted to man's existence, having been, according to his own statement, at least twelve years old when Captain Cook visited New Zealand. His venerable age gave him an influence with the natives far exceeding any that his rank as chief alone would have conferred; and this influence was exercised to the utmost to promote confidence and friendly relations between the Pakehas and the Maories. A remarkable instance of this, too recent to be forgotten, occurred on the occasion of the meeting between the natives and Lieutenant-Governor Wynyard, the Bishop of New Zealand, and Chief Justice Martin, in November, 1852, at the newly discovered gold field at Coromandel, when Hook-Nose was chosen to introduce the subject on behalf of the native chiefs, and manifested a sagacity, an eloquence in expression, and a cordiality of feeling towards the Europeans, which, no doubt, contributed largely to the amicable adjustment of the questions then discussed. We learn that, though he had long lived in heathenism, he latterly showed a solicitude to receive instruction in Christianity, and that a few weeks before his death he was baptized by the Rev. Mr. Lanfear, Church Missionary at the Thames."

style of oratory. The assembled multitude was divided into two parties, the Ngatihaua, who wished to make Te Whero-whero (Potatau) king; and the Conservative party, who were staunch in their allegiance to the Queen. The movement party, however, were actuated by no feeling of disaffection to British rule: they found that in questions relating to themselves the Colonial Government were virtually powerless; that the power of the chiefs was fast decaying; they had become convinced of the value of peace, order, and good government; and they believed they might secure it by electing for themselves a king. Te Heu-heu, the Chief of Taupo, was the only speaker who expressed himself impatient of our rule; indignantly recapitulating the grievances of his race—the indignities shown to their countrymen when visiting our towns—their women debauched—the men made drunk—and the chiefs themselves dubbed "bloody Maories." The Conservative party hoisted the Union Jack; the would-be king-makers rallying round a flag with the new device, *Potatau, King of New Zealand.* Paora was one of the first to speak in favour of the movement:—

"Paora: God is good; Israel were his people; they had a king. I see no reason why any nation should not have a king if they wish for one. The Gospel does not say that we are not to have a king. It says, 'Honour the king; love the brotherhood.' Why should the Queen be angry? We shall be in alliance with her, and friendship will be preserved. The Governor does not stop murders and fights among

us. A king will be able to do that. Let us have order, so that we may grow as the pakehas grow. Why should we disappear from the country? New Zealand is ours: I love it."

This speech was answered by William Nayler, a chief of Whangaroa; in the old fighting-days, a warrior of renown:—

"Wiremu Te Awaitaia: I am a small man, and a fool. I am ignorant of these Scripture quotations. Ngatihaua, don't be dark; Waikato, listen; Taupo, attend. My name has been heard in the old day, and sometimes it is still mentioned. I am going to speak mildly, like a father. My word is this: I promised the first Governor, when he came to see me, and I promised all the rest, that I would stick to him, and be a subject of the Queen. I intend to keep my promise, for they have kept theirs. They have taken no land. Mine was the desire to sell, and they gave me money. Why do you bring that new flag here? There is trouble in it. I can't see my way clear. But I know that there is trouble in that flag. I am content with the old one. It is seen all over the world, and belongs to me. I get some of its honour. What honour can I get from your flag? It is like a fountain without water. Don't trouble me. You say we are slaves. If acknowledging that flag makes me a slave, I am a slave. Let me alone. Don't bring your trouble here. Go back to the mountains. Let us alone in peace. I and the Governor will take our own course. That's all."

This renowned chief's address had so powerful an

effect on its hearers, that a long silence followed its delivery.

"WIREMU TAMIHANA TARAPIPIPI: I am sorry my father has spoken so strongly. He has killed me. I love New Zealand. I want order and laws. The king could give us these better than the Governor; for the Governor has never done anything except when a *pakeha* was killed: he lets us kill each other and fight. A king would stop these evils. However, if you don't like the king, pull down the flag. Let Rewi pull it down, if you wish it."

"WAATA KUKUTAHI: Let the flag stand; but wash out the writing on it. Let us not talk like children; but find out some real good for ourselves. We cannot do it by ourselves. The white men have the money —the knowledge—everything. I shall remain a subject of the Queen, and look up to this flag (the Jack) as my flag for ever and ever and ever. If it is dishonoured, I shall be; if it is honoured, so shall I be. I accept fully the arrangement made between the Governor and Potatau—Laws, a Director, and the Assembly. I don't want to talk, for my mind is made up. I shall begin to work on the basis of that agreement. You may go on talking; and when you have done we will let you join us. For if you follow your road you will be benighted, get in a swamp, and either stick there or come out covered with mud."

The speech of Te Whero-whero (Potatau), who was proposed to be elected as the king, may be taken as a fair specimen of their figurative style. The great Waikato chief had always been one of our most

staunch allies; and this movement to make him king placed him in a somewhat difficult position. He neither wished to appear disaffected to the Crown, nor yet to offend the Ngatihaua and their friends, who had paid him the compliment of proposing him for a king. Old as he was, his sagacity did not fail him, and his speech on the occasion was thought worthy of his fame:—

"Potatau: Wash me, my friends, I am covered with mud. Love Gospel and friendship. Ngatihaua, work, continue to work. The kotuku sits upon a stump, and eats the small fish; when he sees one, he stoops down and catches it, lifts up his head, and swallows it. This is his constant work. William, you understand your work. When the sun shines we see him."

The race of the great chiefs—weighty in council, and warriors of renown—has almost disappeared; and the opportunities of earning distinction are now so few and far between, that there is no reason to believe that their places will be taken by the rising generation. Like our own peerage, chieftainship is hereditary amongst them, and the order is recruited from time to time by the addition of new blood: a plebeian, if he be distinguished for wisdom in council, eloquence in debate, or bravery in war, may rise to the rank of a chief. On the other hand, an hereditary chief is of small importance if he lack the qualities naturally calculated to command. But the influence both of chief and priest, once all powerful, is rapidly decaying: neither the new religion nor the

new Government yet exercises the same degree of influence on the people; and in their present transition state the Maories are governed with more difficulty than when under the absolute control of a powerful heathen chief. Amongst the few chiefs of note still remaining, Thomas Walker Nene, or Tamati Waka as he is commonly called, is the most distinguished, and will always deserve honourable mention in connection with the early history of New Zealand. Nene has all his life been distinguished for daring personal courage; for his frequent and vigorous efforts to repress native wars, and to punish the barbarous outrages of his countrymen; and for his steady adherence to the British cause. It was through Nene's influence that Maketu, the murderer, was delivered up to justice; and he was not only mainly instrumental in obtaining the concurrence of the chiefs to the Treaty of Waitangi, but afterwards, by means of his personal influence with the natives, and by his conduct in the field, he rendered important services to the cause of peace and order on the occasion of Heki's rebellion in the North. It is hardly too much to say, indeed, that but for Nene's influence we should not have obtained the sovereignty of New Zealand by the voluntary cession of its chiefs; and that but for his powerful co-operation in the field, we should, for a time at least, have been hardly able to maintain it. It was fitting, not only that Nene's eminent services should receive some substantial recognition, but that some memorial should be preserved of his devotion to our cause; and so long as

the Colonial Statute Book shall exist, it will be found recorded that, in consideration of the valuable services rendered by him, and particularly for the zeal, courage, and loyalty displayed by him during the rebellion in the north, an annuity of £100 was granted to Nene for the term of his natural life.

As may be imagined, the grave deliberation which characterises our judicial proceedings appeared to the Maories in striking contrast with their own summary practice of punishing offenders; but they are still on some points unable to appreciate the wisdom of our procedure. They make no objection, for instance, to Trial by Jury; but they are surprised to see the way in which the system is carried into practice. In cases of life and death, or in trials of grave importance, they expect to see gentlemen and men of education in the jury-box; and they are not a little astonished to find the jury composed, for the most part, of "drivers of carts," as they designate them, and men they see daily in the streets engaged in menial occupations—a class for whom they have not the slightest respect. The first case of Trial by Jury in New Zealand created on the native mind a deep impression. The Court House in Auckland is by no means an imposing structure, but it is not without some historical interest. In this unpretending building the advent of a new power in these islands was solemnly proclaimed. For a period of several years lawlessness had reigned supreme: every man had been a law unto himself, and the law of the strongest had prevailed; but the time had now arrived when

the reign of justice was to be formally proclaimed: and, in this modest temple, its first and chief minister, for the first time, took his seat—a fit personification of its purity: one well chosen to hold the balance even, and pre-eminently fitted to administer justice impartially between the native people and a still more powerful race. Seeing the responsibility we incurred in undertaking the government of an ignorant people who confidingly entrusted their rights and liberties to our honourable keeping, it is hardly too much to say that, of the numerous public servants holding office throughout the dominions of the Crown, no one, in his age and generation, was more emphatically "the right man in the right place," than was the first Chief Justice of New Zealand. Trusted with all the powers of several Courts at Westminster, William Martin, its first Chief Justice, on the 28th of February, 1842, opened the proceedings of the Court. There was no display of pomp, or show of military power, yet the first act of the new tribunal spoke, trumpet-tongued throughout the land; and it was silently felt, by both races of its inhabitants, that a power had been established amongst them to which, henceforward, all would be compelled to bow.*

Amongst the prisoners to be tried at the first sitting of the Court, was a young native chief, highly connected with a powerful northern tribe, in custody on a charge of murdering the widow of a settler at the Bay of Islands, her two children, a servant man,

* On his retirement, in 1857, Mr. Martin was succeeded by George Alfred Arney, Esq., Recorder of Winchester.

and a half-caste child. The man had given some provocation to the young chief; but the murder of the widow and the children was without provocation or excuse. Against the will of his tribe, the murderer could not have been taken; but knowing him to have been the author of the guilty deed, and having been parties to the Treaty of Waitangi, ceding to us the sovereignty over their country, they delivered up Maketu to be dealt with in accordance with our laws. Amongst the prisoners for trial at the same assize, there was also an Englishman, of a rank in life above the labouring class, in custody on a charge of shooting at a native. Irritated by his trespassing, the Englishman, with deliberate aim, had fired at the native with a loaded gun; but, as it happened, without doing him any actual injury. The case of the Englishman was purposely taken first. He was indicted for shooting at the native with intent to do him some grievous bodily harm. The charge was clearly sustained by the evidence, and the Englishman, having been fairly convicted by a jury of his countrymen, was condemned to a period of imprisonment in the common gaol. The case of the young Nga Puhi chief was then taken. It was the first case of life and death that had been tried in these islands according to English law; and the Court, as may be supposed, was densely thronged by a crowd of anxious spectators of both races. Of the prisoner's guilt the natives themselves had never entertained the slightest doubt; under these circumstances particularly, the deliberate carefulness with

which our judicial proceedings were conducted, struck them with undisguised surprise. One of the most competent residents in the country was selected for his knowledge of the native language, to act as interpreter, and counsel was assigned by the Court to conduct the prisoner's defence. The quiet calmness with which the inquiry was conducted; the patient painstaking care of the Chief Justice; the grave attention of the Jury; the solemn stillness of the awful moment which immediately preceded their utterance of the prisoner's doom; and the dread language of the Law, in which the prisoner was afterwards condemned to die, affected the anxious multitude with visible emotion. At that time the military force in New Zealand hardly numbered eighty men; the colonists were but a small minority, weakened too by being divided into several isolated settlements incapable of affording each other the slightest mutual support; and, by a combined movement of the natives, the whole of the English settlers then resident in these islands might have been swept away at a single blow.

Although his own connections in the north had delivered up Maketu for trial, there were several powerful tribes in other parts of the country who had always refused to become parties to the Treaty of Waitangi, or to acknowledge the sovereign authority of the Queen, and who were unwilling to see one of their own race subjected to the law of a foreign power. Immediately the result of the trial became known, frequent consultations were held by them as

to the means to be taken to prevent his execution; and more than one threatening message was sent to the Governor of the colony, to deter him from allowing the prisoner being put to an ignominious death. But Captain Hobson, who, while in the hands of pirates, with the rope about his neck, had dared death rather than betray his trust, was not the man to be deterred by fears of personal danger to himself from the discharge of a public duty. Seeing that the prisoner had been deliberately condemned, and believing the condemnation to be just, Governor Hobson allowed the law to take its course; and Maketu was the first of his race to afford an example of its sovereign power. Occurring together, as they did, at the first sitting of the Supreme Court, these two cases were well calculated to satisfy the people of both races that our English Law—the law to which they were all henceforward to be subject—was to be no respecter of persons: that, without respect to rank, all were alike to be amenable to its power; and that, without distinction of race, all were alike to be the objects of its care.

Yet the murderer nearly escaped the hands of justice. In the first instance, he had been apprehended on suspicion, but he was liberated again, owing to the threats of the natives: he was not finally secured until he was given up by his own father; who was induced to take this step to save him from being killed on the spot by the native relatives of the murdered half-caste child. If the half-caste grandchild of Rewa, a powerful northern chief, had not been

amongst the victims, the murderer of the widow and her children would probably have escaped unpunished. After his conviction, Maketu nearly succeeded in anticipating the sentence of the law. Shortly before his execution, he was detected plaiting the strips of a shirt into a rope, with which he intended to hang himself from the bars of his cell. During his confinement he employed himself in writing letters to his friends, urging them to fall upon the settlers, to murder the Governor secretly, and by a sudden movement to annihilate the few troops then stationed in the colony. But the natives who were present acknowledged the impartiality of his trial and the justice of his sentence; and when the Chief Justice, some time afterwards, visited the Bay of Islands, the first to meet him on landing with a friendly greeting was Ruhe, the father of Maketu.

The intellectual capacity of the New Zealanders, up to a certain point, at least, is quite equal to our own. A considerable number of native children have for some years been receiving a religious education, industrial training, and instruction in the English language, and have been boarded, lodged, and clothed in schools receiving aid from the public funds; and two of the race have already been admitted into deacon's orders, as ministers of the Church of England, by the Bishop of New Zealand. The Report made of the native schools by the Government Inspectors shows the capability of the native children generally for moral, intellectual, and industrial training. Of the children at Taupiri school, they report,

that "the boys, according to their strength, are employed in the out-door work of the establishment; that the girls are trained in the usual household work of the school and the mission-family—washing and getting-up linen, &c.; and are instructed in sewing and knitting . . . That the knowledge of the children as to religion is very sound, and, considering their ages, very extensive; that the elder children read the Scriptures in English with great accuracy, and understand the meaning of what they read; and that they write remarkably well, and know the multiplication table very correctly; also the elementary rules of arithmetic, both as applied to simple numbers and to money. . . That they sing remarkably well in parts, and form a good choir at the native Church attached to the Mission Station." Of the school at Kohunga, the inspectors report, that "six of the boys have acquired a knowledge of ploughing, and that they all take part in the cultivation of the land, and in the care of the sheep and cattle: . . . that the children, according to their ages, have an intelligent knowledge of geography." Of St. Stephen's native girls' school at Auckland, they conclude their report by remarking, that "no contrast can be more striking or more pleasing than the appearance of these young women, as compared with that of the girls in a native village; and one main object of this institution, that of educating and elevating in the social scale a class of young women who may become suitable wives for native teachers under training elsewhere, appears likely to be realised." Of the children at the Three

Kings' school, the inspector observes, that "some of the boys have made great progress in carpentry; . . that the examination of the children in scriptural knowledge was highly satisfactory; . . . that many of the pupils exhibited a great readiness in performing all the operations of arithmetic, and were all able to calculate mentally with rapidity and correctness; and that several showed a clear comprehension of the principles of fractional arithmetic . . . That the writing of the elder boys was, without exception, good, and in many cases excellent." And, speaking of St. Stephen's Girls' School, a competent observer remarks,—"The girls are, of course, not very much advanced in book learning. All can read and write their own language, and a good number can read easy English books pretty well. . . . A geography lesson is always popular. . . . It is surprising how quickly natives, both young and old, learn to write. They are also very ready with their needles. . . . There was an odd fancy in the country that the natives had no ear for music; but this is quite disproved by facts. The girls are taught by figures instead of notes, which are drawn upon a large black board. They read quite easily even difficult music, such as Mendelssohn's choruses, Gregorian chants, and some of our old intricate catches and glees."

Owing to the ignorance which has generally prevailed in England of the value of their labour, and of the extent to which the native population are engaged in industrial pursuits, the importance of these islands

as a dependency of the Crown is commonly estimated with reference only to the number of the English settlers, without taking into account their native inhabitants; who, instead of being occupied as formerly in a state of constant and destructive warfare, are now peaceable and industrious, and occupied in various departments of productive industry: acquiring property to a considerable amount, the owners of the greater portion of the soil, the principal producers of the wheat grown within the province, and large and increasing consumers of British manufactures.

In seasons of harvest, the English settlers are largely dependent upon the labour of the natives for mowing, hay-making, reaping, threshing, &c.; and experience has proved them to be capable not only of acquiring skill in various descriptions of handicraft work, but, under judicious superintendence, of steady application to laborious pursuits. During the disturbance in the south, native labour was chiefly made use of in the construction of the military roads; and about three hundred natives were engaged upon the work. In the course of a year they earned upwards of 3,020*l.*, and felled about twenty miles in length by 120 feet in width of dense forest; constructed seven miles of bridle-road, chiefly cut out of the side of steep hills and precipices, and helped to construct six miles of carriage-road; taking part in every operation, such as bridge-making, sloping, draining, metalling, &c.

"This amount of labour," reported Col. Russell, "may not equal that which the same number of expert European workmen would have accomplished; but I

consider it exceeds what the same number of soldiers would have performed in the time, while the wages paid to the natives have been little more than half those of European workmen. . . .

"As they have thus been employed for a year, frequently many miles from their supplies, and (as in the Horokiwi valley) where the climate, from its constant cold and dampness, has been very distasteful to them, I think it will appear that the opinion, so general here last year, that the natives were incapable of steady industry, though said to have been derived from experience, was fallacious. Indeed, this has become so evident to themselves, that the settlers are already outbidding the Government, by giving higher wages, food, &c.; and are even carrying out contracts by native labour."

The amount of property now possessed by the New Zealanders is certainly remarkable. The Bay of Plenty and the Taupo and Rotorua districts have a native population estimated to amount to above 8,000. In the year 1857, the natives of these districts alone had upwards of 3,000 acres of land in wheat, 3,000 acres in potatoes, nearly 2,000 acres in maize, and upwards of 1,000 acres planted with kumeras. They owned nearly 1,000 horses, 200 head of cattle and 5,000 pigs, four water-mills, and 96 ploughs. They were also the owners of 43 small coasting vessels, averaging nearly 20 tons each,* and upwards of 900 canoes. In the course of the same year, the natives of the

* In the year 1858, fifty-three vessels, each upwards of 14 tons, owned by natives of New Zealand, were registered at the Port of Auckland alone.

east coast (a tract of country extending from the East Cape to Turanga—about fifty miles) supplied 46,000 bushels of wheat to the English traders, of the marketable value of 13,000*l*. From a distance of nearly a hundred miles, the natives of the North supply the markets of Auckland with the produce of their industry; brought partly by land carriage, partly by small coasting craft, and partly by canoes. In the course of a single year, 1,792 canoes entered the harbour of Auckland, bringing to market by this means alone 200 tons of potatoes, 1,400 baskets of onions, 1,700 baskets of maize, 1,200 baskets of peaches, 1,200 tons of firewood, 45 tons of fish, and 1,300 pigs, besides flax, poultry, kauri gum, and vegetables.

Although not twenty years have yet elapsed since the colonization of the country was first commenced, yet the modern traveller now arriving in New Zealand—seeing the neighbourhood of its capital cultivated like an English landscape; the Colonists living in the midst of peace and plenty; the natives supplying the markets with the produce of their industry; the two races dwelling together in uninterrupted harmony; English laws regularly administered; order prevailing and Christian teaching willingly received—can with difficulty now imagine that so bright a "morning" was preceded, and that so recently, by so long and dark a "night;" and can hardly realise the difficulties, the anxieties, and the grave responsibilities of its early founders. But to appreciate fully the contrast between the "past and present" of New Zealand, it is not sufficient to call to mind a vague impression that these

islands, on account of the savage character of their people, were once so dreaded by the mariner that nothing but necessity could induce him to land upon their shores. A yet nearer view of their condition must be presented to the mind. Go back but twenty years; not to witness a picture drawn from imagination, but to view a stern reality. The conflict ended, traverse a native field of battle. Take, for instance, the scene at R——: time, 1836. The bodies of fallen men, weltering in their blood, are here and there strewn about the ground. Here "a number of bodies are laid out, previously to their being cut up for the oven:" whichever way you look, "some sight of horror salutes you." By and by, a body, apparently that moment killed, is dragged into the camp. "The head is cut off, almost before you can look round; the breast is opened, and the heart, steaming with warmth, pulled out and carried off." At every turn you are exposed to the most revolting scenes: "Halves of bodies, quarters, legs and heads, are carried away; and some of them are purposely thrust into your face." You now visit the spot where the opposite party is encamped, and where "for two days after the battle they remained to gorge on sixty human bodies." "Bones of all kinds, the remains of their cannibal feast, are spread about in all directions." "Two long lines of native ovens mark the spot where the bodies were cooked; and a smaller oven, with a wreath around its edge and two pointed sticks by the side, on the one of which was a potato and on the other a lock of hair, points out the place where they set apart a portion

of their horrid meal for the Evil Spirit." Retired somewhat apart is a little child, "nursing in his lap, as if a plaything, one of the slain chief's hands."

Such were the frightful scenes to be witnessed in these islands but twenty years ago. Standing in the midst of them, the appalled spectator might hardly have been persuaded, though one rose from the dead to assure him of the fact, that he himself should live to witness, within less than twenty years, native children of New Zealand, neatly clad in English dresses, assembled for Christian worship on the Sabbath day, chanting the "*Magnificat*" and the "*Nunc Dimittis*," and singing, in English, the "Evening Hymn" in a manner to put to shame many an English congregation. With the battle-field of R—— fresh painted on its pages, what author of romance would venture to represent the actors in these scenes, after so brief an interval, assembled together at a meeting to promote the spread of Christianity among the heathen people of the neighbouring islands—gratefully acknowledging the benefits they had received from their own Christian teachers—quoting from Scripture the command to "Go into all the world, and preach the Gospel to every creature"—animating each other to speed the Christian work, and contributing, according to their means, in aid of the newly-founded "Melanesian Mission." If made the subject of romance, a contrast so striking would be deemed to outrage probability.

To have foretold, too, not twenty years ago, that New Zealand—the terror of navigators, the scene

of war, rapine, and cannibalism, the very by-word of barbarism — might now be traversed throughout its length and breadth in fearless security by a solitary, unarmed traveller, would in itself have been a bold assertion. But it would have taxed the faith of the most sanguine to believe that nothing should now surprise the traveller more than to find, wherever two or three are gathered together, the close or dawn of a single day unmarked by the sound of prayer or praise: yet such is the record of the modern traveller.

Of the future power and greatness of New Zealand, no question can be made; but the ultimate fate of its native race can be, as yet, but doubtfully foreseen. Even the difficulty of governing the two races, on equal terms, as one united people, has hardly yet been solved.* To confer upon the colonists the exclusive power of legislating for the colony at large, as the New Zealand Constitution has practically done, is not to give the people of New Zealand the power of self-government, but is, in reality, to confer upon the European minority the power, not only of governing themselves, but the whole of her Majesty's subjects in the country. Theoretically, indeed, the natives are not only eligible to be registered as electors, but to be elected also to the office of superintendent and as members of the Colonial Parliament; but, practically, they are as entirely unrepresented as if they had been expressly excluded: and even when they commence to exercise their political pri-

* See Chapter 13.

vileges, it will probably be but as the tools, and exposed to the arts, of the electioneering agents. In justice, then, to the native race, who surrendered themselves to the government of her Majesty, the Crown can hardly yet abandon any of the powers it originally possessed for promoting their advancement; and we should but ill discharge our obligation towards them, by simply conferring upon them political powers which they do not desire to possess, and thus attempt to get rid of our own responsibility by conferring upon them the theoretical, but illusory power of representative self-government. Seeing, then, that as a body they are at present unprepared to exercise the elective franchise, either with advantage to themselves or to the country at large; that they would be impatient of the dominion of the colonizing race; but that they are willing still to be governed directly by the Crown, Great Britain would, probably, best discharge the responsibility she has undertaken towards the native people of New Zealand by carefully and gradually admitting them to a participation in the exercise of political power: retaining, in the meantime, to the Crown such a reasonable amount of the public funds, and such a degree of influence in the Colonial Legislature, as may enable her Majesty's representative, without partiality or making any invidious distinction in their favour, to protect their interests—to render effectual aid in the work of their civilization, and to promote the measures which may be needed for their gradual advancement in the scale of social life.

Of the influence which Christianity has exercised upon the character and conduct of the natives, no more sound and sober judgment can now be formed than was expressed by a competent observer nearly fifteen years ago. "There are two distinct points from which the character of the New Zealanders must be viewed. One is through the medium of their former cruel, savage, warlike, blood-thirsty disposition; contrasted with their present softened, teachable, quiet, and industrious state of mind. In this point of view, the conduct of the New Zealanders is, indeed, a matter of astonishment and pride. On the other hand, if you compare their lives and general conduct with the lofty standard and discipline which the Saviour raised for His people, there are many blemishes and deficiencies which cause us to mourn and pray. Hence it comes that conflicting, or even contradictory, accounts are presented to the public at home concerning the New Zealand Mission. One individual looks on the natives from this point, and complains of inconsistencies and defects; another sees them from another point, and exults and rejoices. But to me, it appears that the proper way of estimating the success of the Mission, is to bring both points together, and thence take our view: that is, to remember the savage state of these people a few years ago, to regard their position at the present day, and to compare their existing infancy to a perfect man, the measure of the stature of the fulness of Christ. Thus we obtain a fair picture of His Church in

these interesting islands: a "church in which we rejoice—but with trembling."*

But the great problem involved in the Colonization of these islands—how may their native people maintain their ground, and be preserved to form a Christian nation?—continues to be a problem still; and all our boasted civilization has done little towards its satisfactory solution. Cannibalism, it is true, has become extinct; the profession of Christianity, too, has become almost universal; infanticide is seldom heard of; and a considerable improvement has taken place in the food and clothing of the people: but these advantages appear to be all outweighed by the closer contact with "abused civility;" and what was said by Bishop Broughton, twenty years ago, may with truth be stated now: "In mournful sincerity of heart I express my own opinion, that their numbers have diminished in a fearful ratio since our first connection with them. It presented itself to my mind as a most remarkable circumstance, that wherever we went, the children were very few as compared with the number of adults." And so far as our experience in New Zealand has yet extended, the great problem—how may a barbarous people be preserved to form a Christian nation?—still, as before, remains for a solution.

In other regions of the world, England has by conquest extended largely the bounds of her dominions—the result of many a brilliant victory. But what is won by the sword, and that which is held by

* Journal of Rev. G. A. Kissling.

the sword, by the sword may also perish. In New Zealand the issue still is pending, and the victory yet unwon. But if it shall be given to the founders of this Colony to be also the instruments of preserving a barbarous native race, and of raising them in the scale of civilization to a level with themselves, then, crowned with these unwonted blessings, the first fruits of a coming age, the Colonization of these islands will be one of the noblest conquests in the annals of our history; and New Zealand, already the cradle of civilization and the day-spring of light to the heathen people of the Southern Seas, will be, indeed, the brightest ornament in the borders of our empire.

CHAPTER II.

COLONIZATION.

For a period of more than fifty years after its discovery by Captain Cook, New Zealand continued to be the scene of unceasing savage warfare; and it was left in the exclusive occupation of its aboriginal native race. The first to land in the country was the Christian Missionary: by degrees the South Sea whalers gained confidence to frequent its harbour; from time to time an escaped convict from New South Wales, or a runaway seaman, took refuge on its shores; and for the protection of our countrymen, a ship of war occasionally made its appearance on the coast: but it was not until the great natural advantages of the country, and its political importance, were prominently brought before the public by the New Zealand Association, that the true value of the New Zealand Islands was fully understood.

Believing that the occupation of the country would prove injurious to the native inhabitants, and a hinderance to the Mission, the Committee of the Church Missionary Society opposed the project put forward by the New Zealand Company, about twenty years

ago, for planting settlements in these islands; and the Government, averse to new projects, refused to give their sanction to the scheme. In vain was it represented by the promoters of the undertaking that the French nation were contemplating the establishment of a French settlement in the country, and that unless our right to the sovereignty was openly maintained, and immediately acted upon, the French would gain a footing in the country, and that the sovereign rights of Great Britain would be lost; for it was maintained by our own Government, that any right of sovereignty obtained by us from Captain Cook's discovery had already been abandoned: that it had in various legislative enactments admitted that New Zealand was no part of the British dominions; and that his late Majesty had made the most solemn declaration that it was a substantive and independent State. While the controversy was in progress, adventurers from the neighbouring colonies were flocking to New Zealand, to purchase land from the natives, and a Joint Stock Company was formed in England for colonizing the country; and while the Government were demonstrating the theoretical difficulties which prevented the occupation of the country, our countrymen were engaged in practically effecting its Colonization.

The Company which was formed for colonizing New Zealand, having the late Lord Durham at its head, consisted of political economists, colonial reformers, and influential shipowners, bankers, and merchants connected with the City of London; and in political influence it was one of the most powerful Joint Stock

associations of the day. Amongst the Directors were several men of high character, who were influenced in becoming members of the association solely by patriotic and disinterested motives; but there were also amongst their number those who had a stronger interest in their own individual advantage than in the success of an undertaking formed for the purpose of promoting a great national object; and although men of rank and high character were made to appear before the public as taking an influential part in their proceedings, these gentlemen were frequently but the instruments of their more able but less disinterested colleagues. "I," said Mr. Edward Gibbon Wakefield, "was the principal founder of the Company, and its principal managing director from the time of its formation till the summer of 1846; allowing for intervals of absence occasioned by illness and other occupation at a distance from England. . . . My incapacity changed the whole character of the direction of the New Zealand Company's affairs; which then fell into the hands of a few persons, in whose minds sound principles of Colonization and Colonial Government were as nothing compared with pounds, shillings, and pence."*

* Evidence of Mr. E. G. Wakefield, given before a Committee of the House of Representatives on the New Zealand Company's debt.—*Papers, Sessions* 1 *and* 2.

Referring to the New Zealand Company, in his speech on the second reading of the New Zealand Bill, Earl Grey, who has been described by Mr. E. G. Wakefield as the statesman who has most completely mastered the subject of New Zealand affairs, said,—"They did not display that judgment that might have been expected from them in conducting the great enterprise into which they had somewhat rashly entered." Accord-

The first great object of the New Zealand Company was to induce the Government to erect these islands into a British Colony; but, disappointed in their endeavours, they themselves fitted out and despatched to New Zealand a preliminary expedition, for the purpose of making purchases of land from the natives, for selecting suitable localities for the sites of settlements, and to prepare for the reception of emigrants on their arrival in the country. And, calculating on the success of their agent, they proceeded at once to offer for sale by lottery, in England, the right of selection amongst the lands thus anticipated to be acquired by them; and though the country was at that time almost a byword for barbarism—without law or government, and inhabited by a wild and warlike native race; and though officially warned that their proceedings could not be sanctioned by the Government, the New Zealand Company found purchasers in England to the amount of more than 100,000*l.* Without waiting to hear what locality had been procured by their agent for the site of a settlement, or whether indeed he had succeeded in making the purchase of a single acre of land, they sent out several ships filled with emigrants, to be

ing to Sir William Molesworth, who was for some time closely connected with them, "The New Zealand Company was founded for two objects: the one was to put in practice certain views with regard to colonization; the other was, to make money. Some of these views proved correct: others, erroneous. The pecuniary speculation utterly failed; partly in consequence of the obstacles put in the way by the Colonial Office, in defiance of whom it had been undertaken: but it had chiefly failed in consequence of great mismanagement."—*Speech on New Zealand Bill*, 1852.

located on that spot, wherever it might be, which on their arrival in the country they might find to have been procured for that purpose. Yet at that time, and for several years after New Zealand became a dependency of the Crown, but little was known of the common law of real property then, and to this day, in force amongst the native owners of the soil: few were aware of the accurate knowledge they have of boundaries; of the use they make and of the value they attach to tracts of country which to us might appear waste and worthless; and of the tenacity with which they defend their territorial rights; of the number of individuals who, on different grounds, have various degrees of interest in the same piece of land; of the necessity, in order to make a safe purchase of any particular tract of country, of ascertaining who have individual rights to particular portions, as well as who are the chiefs and others who have general rights on the whole; and particularly of having well ascertained and clearly defined the sacred places, eel-fisheries, and other favourite localities, which the owners may desire to have reserved for themselves. It was not then known, in fact, that to complete a safe and satisfactory purchase of land from the natives of New Zealand is a work of as much difficulty, requires as much time, careful investigation, and knowledge of native law and custom, as to complete the purchase of an English baronial estate.*

* The majority of the Select Committee of the House of Commons appointed in 1844 to inquire into the proceedings of the New Zealand Company, had assuredly no desire to deal hardly with that body; but

In most of the localities best adapted for the sites of settlements, purchases of land from the natives had already been made by the old residents, by absentee Sydney speculators, and by a host of land-jobbing adventurers. Thus limited in his range of choice, and daily expecting the arrival of some hundred of the Company's emigrants from England, their agent, Colonel Wakefield, had little time or opportunity for a careful examination of the country. Meeting with natives asserting themselves to be the sole owners of the land in the neighbourhood of Cook's Straits, and but imperfectly acquainted with the native law of real property, Colonel Wakefield proceeded to deal with them as if they were its sole and rightful owners; and within a short time after his arrival in the country, he reported to the Company that he had completed the purchase of the harbour of Port Nicholson, and a large tract of the surrounding country, together with a considerable portion of the northern part of the Southern Island.

The Colonization of New Zealand was thus forced upon the Government; and to protect the natives, to avert a war of races, and to rescue the emigrants themselves from the evils of a lawless state of society, it was now resolved "to adopt the most effectual measures for establishing amongst them a settled form of Civil Government." Captain Hobson, who

they were compelled to report—"That the conduct of the New Zealand Company in sending out emigrants to New Zealand, not only without the sanction, but in direct defiance of the authority of the Crown, was highly irregular and improper."

had recently visited New Zealand for the purpose of affording protection to our countrymen, and who had shown great ability and judgment in his Report on the state of the country and its people, was selected to conduct the undertaking. All claim to Sovereignty on the ground of Discovery having been abandoned, Captain Hobson was instructed to urge upon the native chiefs the impossibility of extending to them any effectual protection, unless the Queen were acknowledged as the Sovereign of their country; and he was commissioned to enter into a Treaty with them for the formal cession of the Sovereignty to the Crown.

On his arrival in the country in the character of British consul, New Zealand was an independent State; its native inhabitants were a wild and lawless race; its European occupants were unrestrained by any law, and amenable to no tribunal, and had been alternately the authors and the victims of every species of crime and outrage. Before a British Colony could be founded in New Zealand, everything was yet to be done. The Sovereignty over the country had to be obtained by Treaty from the natives; territory for the occupation of our countrymen had to be acquired; and the machinery of Civil Government was to be organized and set in motion. Nor was the establishment of British authority in New Zealand an easy or a popular task. Its native inhabitants were a high-spirited, well-armed, warlike race. A large portion of the European population had long been living in a state of utter lawlessness. To curb and restrain, where all restraint had been unknown—

where every man had been a law unto himself—and to put a stop to all private dealings with the natives for the purchase of their lands, could be no popular duty for the Minister of the Crown. His first great object was to obtain the concurrence of the principal chiefs to a Treaty, ceding to the Crown all their rights and powers of Sovereignty; yet no inconsiderable difficulty was experienced by him in prevailing on them to become parties to the Treaty, from a jealous fear; lest, by ceding the Sovereignty, they might be deemed to have parted with the property in the soil: and, at the outset of his proceedings, the project had nearly been defeated. After announcing to the chiefs assembled at "Waitangi," the object of his mission, he carefully explained to them that it was the Sovereignty, and not the land, that would pass to her Majesty by virtue of the proposed Treaty: that, to use their own figure, "the shadow would go to the Queen, but that the substance would remain:" and he assured them that they might rely implicitly on the good faith of her Majesty's Government in the transaction. Many of the assembled chiefs addressed the meeting on the subject, and a protracted and stormy discussion ensued. Several of them, having been instigated into opposition by disaffected Europeans, opposed the cession of the Sovereignty with so much skill and ability, that apprehensions were for a time entertained as to the result of the negotiation. "Send the man away," said one of the opposing chiefs, turning to Captain Hobson. "Don't sign the paper. If you

do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads, and your lands will be taken from you." And but for the timely interference of one of the most influential of the northern chiefs, it is probable that the project would have been completely defeated; but the powerful eloquence of our faithful ally ultimately turned the scale. "You must be our father," said Tamati Waka, turning to Captain Hobson, in concluding his address. "You must not allow us to become slaves: you must preserve our customs, and never permit our lands to be wrested from us." With this touching confidence in our honour, did the native inhabitants of these islands consent to place themselves under the dominion of the British Crown. The example of Tamati Waka decided the waverers, and a large number of the most influential chiefs of the north now became parties to the Treaty of Waitangi: the adherence of many powerful chiefs in other parts of the Northern Island was afterwards secured. Many, however, steadily refused; believing that if they put their signatures to the Treaty their land would be taken from them. They had heard, they said, of the history of America—of New South Wales—and of many countries taken possession of by the English, and they could not but be jealous of the intentions of the British Government. In some instances, those who signed the treaty, refused to accept any present, lest it might be construed as a payment for their land; and many influential chiefs in various parts of the country, though strongly

urged to give in their adherence, to the last continued steadily to refuse. Before the negotiations were brought to a conclusion, and while agents were still engaged in various parts of the country in endeavouring to obtain signatures, intelligence reached Captain Hobson that the settlers sent out by the New Zealand Company had organized a system of government under the authority of the Port Nicholson chiefs; and deeming the proceeding to be of a treasonable character, he at once (February, 1840), and without waiting for the completion of the cession, proclaimed the Queen's Sovereignty over both Islands. For a few months, they were annexed as a dependency to New South Wales; but on the 16th of November following, by a Charter under the Great Seal of the United Kingdom, the Islands of New Zealand were erected into a separate and independent Colony.

One of the earliest duties which devolved on Capt. Hobson was to select a suitable site for the seat of Government. Having migrated from a warmer climate, the Maori race had settled themselves for the most part in the more congenial latitudes of the New Zealand group; and they were chiefly to be found congregated in the northern part of the Northern Island—nineteen-twentieths of the whole native population being settled in the Northern Island alone. And as the principal object of the Government in establishing British authority in the country was to promote their civilization and advancement, other considerations besides the natural advantages of the

locality, had to be taken into consideration, in deciding upon the most suitable situation for establishing the Capitals of the Colony.

When the New Zealand Company sent out their exploring expedition, they explained to Col. Wakefield that there was probably some one part of New Zealand better suited than any other to become the centre of its trade. The shores of safe and commodious harbours, the sheltered embouchures of extensive rivers communicating with a fertile country, were the situations to which his attention was directed; and he was especially instructed to make purchases of land on the shores of that harbour which should appear to offer the greatest facilities as a general trading depôt, and port of export and import for all parts of the islands. But closely followed, unfortunately, by several hundred intending settlers, Colonel Wakefield had no time to spare in selecting a site for their location. Many harbours, in other respects suitable for extensive settlement, were already occupied by claimants still earlier in the field; and in the selection of a site for their "first and principal settlement," the New Zealand Company were confined to unoccupied localities; while Capt. Hobson, as the representative of the Crown, had all before him where to choose.

There are many good harbours in New Zealand, and many districts abounding in rich and fertile land, and not a few where the facilities of internal water communication are considerable; but the difficulty was to find these natural advantages in combination. The Bay of Islands, as a harbour, is second to none; but

the country in the immediate neighbourhood is hilly and broken, with but a limited extent of open country available for agricultural purposes. Taranaki has a large extent of excellent land, well watered and beautifully wooded; but it has no harbour, and abuts upon an open roadstead. Wellington has a spacious harbour, surrounded by beautiful scenery; but, owing to the broken and hilly character of the neighbouring country, there is but little available land within a radius of eight or ten miles of the port. The harbour of Nelson is of but second-rate character; and there also the available land in the neighbourhood is of limited extent: and both at Wellington and Nelson the facilities of internal water-communication are inconsiderable. At Canterbury, the harbour is not of first-rate character; but the district possesses a vast extent of open available fertile land, covered throughout its whole extent with fine natural grass; though the plains are separated from the harbour by a lofty ridge. The Otago district comprises a large extent of fine open grassy country; but its harbour, although sufficiently good for the purposes of the settlement, is not by any means of a first-rate character. The district of Auckland, however, in addition to its excellent harbour, with a second port within six miles, on the opposite coast, and extensive natural facilities of internal communication, has its town, suburban, and country lands, in a compact and convenient area; and all impartial testimony is united in favour of the wisdom of Capt. Hobson's choice.

But without the aid of a map it would be difficult

to convey a clear impression of the position selected for the capital of New Zealand; begirt as it is by harbours, and forming a centre from which water-communication radiates inland in every direction. It is the centre of the great bulk of the native population; it possesses unusual facilities for internal water-communication; it has a safe and commodious harbour, and several smaller ports in its immediate neighbourhood, abounding with valuable timber; and it is surrounded by a considerable extent of available land. "With my present knowledge of New Zealand," wrote Capt. Hobson, addressing the Secretary of State upon the subject; "having for some time resided at the Bay of Islands; having visited Cook's Straits and Banks's Peninsula; and, after seeing the Company's settlement formed at Port Nicholson, I do not hesitate to state my opinion that the neighbourhood of Auckland combines advantages for a very extensive and prosperous settlement, not to be found in any other part of this Colony." "There can be no question," also wrote Dr. Dieffenbach, the naturalist who accompanied the New Zealand Company's preliminary expedition, and who had a personal knowledge of the locality, "but that the place has been judiciously chosen for the site of a town; as commanding a great extent of cultivable land in its neighbourhood, great facility of communication with the coast and the interior of the Northern Island, and as being a central point for the most powerful native tribes—the Nga-Puhi, to the northward, the Waikato, to the southward, and the Nga-te-haua to the eastward;—separat-

ing them in a military point of view, but uniting them for the purposes of civilization and commerce."

No one has since travelled more extensively throughout the length and breadth of the land than the Bishop of New Zealand; nor has any one a higher estimate of, or a more familiar acquaintance with, its capabilities than himself. Yet "no one," he says, "can speak of the internal capabilities of New Zealand till he has seen the useful rivers which converge upon Auckland and its landlocked sea." But it was not until some weeks after Captain Hobson's death that the intelligence reached the Colony that his choice had been confirmed. "In reference to your selection of Auckland, in preference to Port Nicholson, as the site of the Capital of New Zealand, I am happy to acknowledge," wrote the Secretary of State, "that the grounds on which you proceeded, appear to me satisfactory. On a subject so peculiarly local, and to the right understanding of which so much topographical knowledge is essential, my opinion must of course be guided by the comparison of the statements transmitted to me, and by balancing the weight of conflicting authorities. Approaching the question in that manner, and unaided by any personal acquaintance with the localities, I have thought there is such a clear prepared course of motives in favour of your choice, as to justify me in advising the Queen to decide that Auckland should be the seat of Government of the new Colony; and I have received her Majesty's commands to acquaint you that such is her Majesty's pleasure."

In fixing the seat of Government amidst the great bulk of the native population in the north, Captain Hobson drew upon himself the bitter hostility both of the New Zealand Company and their settlers; who were disappointed that the settlement planted by the Company at Wellington was not selected by Captain Hobson for the capital of New Zealand: overlooking the fact that Auckland was chosen with reference to the permanent interests of the country, while Wellington was selected by a private company with reference to the private interests, the limited means, and the present views of a trading association whose proceedings had not then received either the sanction or recognition of the Crown; their intending emigrants having, in fact, before leaving England, been officially informed that the Government had no connection with the New Zealand Company, nor any knowledge of their proceedings, and could hold out no expectation that her Majesty would be advised to recognise or sanction them. Knowing the great natural advantages of the northern portion of these islands as a field for colonization, and foreseeing the prestige which would attach to the locality fixed upon as the Capital of the Colony, the New Zealand Company from the first regarded the settlement founded at Auckland by Captain Hobson with undisguised jealousy; and, at the outset of his proceedings, the first Governor of New Zealand drew upon himself and upon his government their bitter and increasing hostility.

Seeing that the country was already inhabited by a powerful native race, it was especially desirable that

the Government should have the power of directing the course of colonization, of determining the localities to be from time to time occupied by our own countrymen, and of prescribing the limits within which their colonizing operations should, in the first instance, be confined. But systematic colonization had been rendered almost impossible by the delay which had taken place in commencing the undertaking. Without the sanction, and in direct defiance of the authority of the Crown, the New Zealand Company had sent out a large body of emigrants from England; and while the controversy between the Government and the Company was still pending, and during the two years immediately preceding Captain Hobson's arrival in the country, large numbers of speculators and adventurers had flocked over to New Zealand from New South Wales, with ready-made deeds in English common form, in the expectation that they would be able speedily to make valid purchases of land from the natives for little more than a nominal consideration. And by the time British authority was proclaimed in the country, the claims to land were so numerous and extensive, as to make it at once obvious how essential it was to the systematic colonization of the country, not only that no land should in future be ceded by the natives except to the Crown, but that the purchases alleged to have been already made from them should be subjected to investigation: the basis of the inquiry being the assertion on the part of the Crown, of a title to all lands in New Zealand which had been granted

by the chiefs in accordance with the customs of the country, and in return for some adequate consideration. Accordingly, during the short period that New Zealand continued in the relation of a dependency of the neighbouring Colony, the Legislature of New South Wales, in accordance with instructions from the British Government, passed an Act providing that all claims to land alleged to have been purchased from the natives before the establishment of British authority, should be submitted to the investigation of a Commission of inquiry; that in case it should be proved by the claimant that he had made a purchase, that the quantity of land to be granted to him should be regulated by the sum expended in the purchase; and that, as a general rule, no claimant should have granted to him more than 2,560 acres.

At that time nearly the whole European population of the North Island were claimants of land alleged to have been purchased from the natives before the proclamation of the Queen's authority: the number of claims, in addition to the gigantic claims of the New Zealand Company, amounted to upwards of twelve hundred; and, in extent, they varied from a single rood to more than a million and a quarter of acres. Three of these claims exceeded a million of acres each; three of them comprised more than half a million of acres each, three others exceeded a quarter of a million of acres, and upwards of thirty of the claims comprised more than twenty thousand acres each. For some of these claims, the claimants had nothing to show but the ornamental scrawl or signature of one or more

New Zealand chiefs to a deed, which, in its terms and phraseology, must have been utterly unintelligible to those who signed it; comprising a description of the boundaries purporting to be conveyed by it, so vague and indefinite as to to render it void for uncertainty. Some of the most extravagant of the claims were never actually prosecuted before the Commissioners; many were ultimately commuted for scrip credit at the sale of land by the Government; and for several hundreds of them, Crown grants were issued: after a lengthened but unavoidable period of delay. In carrying out a measure almost universally regarded by the claimants as an act of general confiscation, the Local Government, though but the instruments of superior authority, was involved in the most unfriendly relations with the whole of the European population of the north; and for many years the country was kept in a state of unprofitable agitation by their angry and determined opposition. After a lapse of eighteen years a few of these old claims remain unsettled to this day; and the question which so long and so vexatiously agitated the country has hardly yet been entirely set at rest.*

Having large families growing up around them, and having no reasonable expectation that New Zealand would shortly become a regularly settled English Colony, affording a profitable field for the industry and enterprise of their children, it is hardly surprising

* So recently as the Session of 1858, a Bill was introduced into the General Assembly, "To make further provision for the Settlement of Land Claims."

that some of the Missionaries and catechists stationed in the country availed themselves of the permission given them by the Church Missionary Society to purchase land from the natives for the use and benefit of their families: but these Missionary claims eventually proved to the parent society a source of painful interest. Even in a merely financial point of view, it is a short-sighted economy to expose a Christian Missionary to the temptation of eking out a provision for his family by trafficking with an ignorant people for the purchase of their lands. For, to be efficient, the Missionary must be altogether beyond even the suspicion of self-seeking objects: and ten men, relieved from all care in providing for their families, will effect more real good amongst a semi-barbarous, but clear-sighted people like the New Zealanders, than double the number, tempted to become traffickers with them for the purchase of their lands. The Roman Catholic and Wesleyan Missionary bodies wisely prohibit the purchase of land by their Missionaries from the people they are commissioned to convert. The Church Missionary body in New Zealand were placed in a false position, when it could be said, with but the slightest appearance of the truth, that, unlike the self-denying members of other denominations, their Missionaries had taken advantage of their position to secure their own aggrandizement: and so long as they are allowed to provide for their families by purchasing land from a heathen native race, they can never compete on even terms with the members of those bodies who are relieved from the temptation. A few only, it is true, of the

members of the Church Missionary body had made purchases exceeding what might fairly be considered a reasonable provision for their families; and some were not purchasers of so much as a single acre. The real evil, indeed, was not so much in the extent of the land purchased as in the fact of the purchase itself: the fundamental error of the Society consisted in giving any sanction to the purchase of land from the natives by their Missionaries, even to "a moderate extent;" and experience has doubtless led them to the total prohibition of the practice. The prejudice, however, which in the first instance was studiously excited amongst the Colonists against the members of the Missionary body in New Zealand, was soon seen by them to be unfounded and unjust; and whatever difference of opinion may be entertained by the settlers of the extent of Missionary influence amongst the natives, all are now agreed that the Missionaries have rendered important services to both races, and that but for their labours, a British Colony would not at this moment have been established in the country.

For the few months during which New Zealand continued to be a dependency of New South Wales, the newly-founded Colony was subject to a code of laws enacted for a penal settlement: and even after it had been erected into a separate and independent Colony, in November, 1840, New Zealand continued for a while to be subject to the laws of the convict Colony; for by an early Act of the New Zealand Legislature, it was provided that, until the laws necessary for its government could be specially framed with that object

by the Local Legislature, all such laws of New South Wales as were applicable to the Colony of New Zealand should continue to be in force. Happily, however, the period of bondage was of short duration. Soon came English lawyers, imbued with English spirit, and eager to relieve the Colony from the baneful influence of a convict code; and measures were speedily enacted for establishing Courts of Judicature, and for providing for the administration of Justice—for the establishment of Municipalities—for the transfer of real property—for the regulation of marriages—and a variety of other important subjects. In the structure of the laws themselves, too, the precedent was established of framing them in simple, concise, and intelligible language; of confining the matter of each clause to a single subject; of arranging the clauses methodically under appropriate heads; and of avoiding the prolixity and tautology by which our English legislative enactments were usually distinguished. And not being hampered by any complicated pre-existing system, nor impeded by the opposing influence of a powerful profession, the lawgivers of the Colony were also enabled to effect amendments in the law, which the British Legislature has hardly yet succeeded in accomplishing. A simple system of oral pleading, suited to the primitive condition of the community, was established, for eliciting the issue in civil actions; and the form and language of indictments in criminal proceedings were materially amended. Of enactments of a more permanent character, that relating to real property is perhaps the most conspicuous

for the boldness of its alterations. Many useless forms and subtleties in this abstruse branch of the law were abolished; not a few of its rules were amended.

Many doubtful points, not even yet well settled in England, were set at rest by declaratory enactment; and to reduce the length of purchase-deeds, mortgages, and other conveyances, it was provided that a single, short, and simple deed should be sufficient: and, the more certainly to provide against unnecessary prolixity, that professional men should be remunerated according to a prescribed scale of charges, irrespective of the length of the instrument itself. By this means, and by the further enactment that they shall imply the lengthy covenants and provisions in common use, instruments for mortgaging and conveying land in New Zealand have in practice been kept within a moderate compass. These alterations in the law of real property, complemented by a system of registration, affording to an intending purchaser or mortgagee an easy means of ascertaining the true state of the title, have done much to render the dealing with real property in New Zealand a comparatively simple and easy transaction. The changes effected in this important branch of the law were of so sweeping a character, as even to attract the guarded attention of the authorities at home. "Her Majesty would have been advised to confirm and allow the Ordinance for facilitating the transfer of real property and simplifying the law relating thereto," wrote the Colonial

Minister (Lord Stanley), "had it not been that this enactment introduces innovations of such magnitude and importance, that no opinion of its probable effects, antecedently to the actual trial of the experiment, would seem entitled to much weight. I am gratified in observing how large a range of knowledge and how much diligence have been brought to bear in the structure of this Ordinance; nor do I dissent from the learned framer of it in the general opinion, that it is an object of inestimable importance to relieve a new society in its infancy, when alone it can be relieved, from thraldom to that complex and artificial system of law regarding the acquisition and transfer of real property which has grown up in this country. . . . I therefore do not object to this experiment, venturous as it is. But neither am I willing to advise the Queen to sanction it, until I shall be able to lay before her Majesty some surer proof than I can at present command, of the real wisdom of the fundamental changes." Nor has experience of more than fifteen years suggested any doubts of the wisdom of the changes effected by "this great experiment in legislation;" and the measure has remained almost unaltered to this day. But with the six Legislative bodies established in the country by the recent Constitution, in addition to the General Assembly, there can be no security for the continuance of uniformity in any branch of the law. The Colonists have, however, been warned that there is scarcely any subject on which diversity or uncertainty is more carefully to be guarded against than in the law relating to

real property; that it would by no means tend to facilitate the transfer of land, if, in time to come, the title to such property should be found to depend upon what was the particular law at a certain time in a particular district of New Zealand, as to the execution, for instance, of a particular description of legal instrument. Seeing the expense, the uncertainty, and delay which have been experienced in England in the transfer of real property, arising from the existence, in different parts of the country, of a variety of laws, customs, and usages relating to this subject, it has been wisely questioned whether the subordinate Councils of the Colony ought, not only to have been prohibited from making any law for "regulating the course of inheritance," but also from making any alteration whatever in the law of real property or in the transfer thereof.

Although the seat of Government was established in the centre of the great bulk of the native race and of the European population settled in the north, it soon became obvious that one general central authority could not satisfactorily legislate in detail for the several settlements almost contemporaneously planted in the country. In addition to the settlement founded by the Crown at Auckland, three settlements were planted by the New Zealand Company, at Wellington, Nelson, and New Plymouth; all widely separated from each other, and some of them, at that time, distant from the capital a four weeks' journey or a fortnight's sail: and one of the earliest enactments of the Colonial Legislature was a compre-

hensive measure of a Municipal character, empowering the Colonists to manage their own local affairs, and to provide for the good order, health, and convenience of the public. The measure was based upon the principle that the people themselves are best qualified to provide for the management of their own local affairs. It was so framed as to entitle any then existing or future settlement, whenever its population should amount to two thousand souls, to be erected into a separate Municipality; and if cordially accepted by the Colonists, it was expected that it would relieve the general Government from a duty which it could but ill perform, and that the progress of the Colony generally would be promoted by the honourable rivalry which might be expected to spring up amongst the various settlements, when entrusted to their own local management.

The duties which devolved upon the Local Government in founding the Colony of New Zealand, arduous as they would have been under any circumstances, had to be performed amidst the angry opposition of an irritated community; and the most strenuous efforts were made, not only by land claimants in the north and by the disappointed settlers in the south, but by a powerful English Joint-stock Association, to effect Governor Hobson's recall. Almost alone—looking in vain for despatches from home—failing in health—surrounded by angry opponents, and assailed by the bitterest abuse—uncertain whether his proceedings would be approved by the Ministers of the Crown—the last few months of Captain Hobson's life were

passed in a state of painful and harassing suspense. Had he lived but a few weeks longer, he would have been cheered by the knowledge that his general administration of the affairs of New Zealand was approved by her Majesty's Government; that his selection of the site of the capital had received the sanction of the Crown; and that in all his transactions with the New Zealand Company, he might rely upon the support of her Majesty's Government against the "exaggerated pretensions" of that Company and their agents. Removed beyond the reach of praise or blame, none will now deny that, in founding a British Colony in New Zealand, Captain Hobson had a novel and arduous duty to perform; that he laboured honestly and assiduously to discharge it; and that his services entitled him to the favourable consideration of his country. And if the native inhabitants of these islands shall escape the fate which has hitherto attended uncivilized tribes when brought into the vicinity of civilized men, they will owe something to the inflexible sense of justice of their first Governor; who, while living, enjoyed their esteem and gained their confidence, and whose paternal government is still held by them in respectful remembrance. "Mother Victoria," wrote one of their greatest chiefs, addressing her Majesty after Governor Hobson's death, "my subject is a Governor for us and for the strangers of this island. Let him be good man. Look out for a good man: a man of judgment. Let not a troubler come here. Let not a boy come here, or one puffed up. Let him

be a good man, as the Governor who has just died." ..

Brief as it was, Captain Hobson's career, as the first Governor and founder of the Colony, will always deserve a prominent place in the history of New Zealand. Between January, 1840, and September, 1842, during his administration of affairs in the several characters of Consul, Lieutenant-Governor, and Governor, the Sovereignty over the country was obtained by treaty from the native chiefs; considerable tracts of land became by purchase the demesne land of the Crown; the machinery of Government was organized and put in motion; the purchase of land from the natives by private individuals was put down; the seat of Government was established on a well-chosen site; an important body of Laws was devised and enacted, for the peace, order, and good government of the Colony; and, almost for the first time, our colonizing operations excited the interest and attention of the British public. It was now seen, however, that an experiment was about to be tried deeply affecting the interests of humanity: that a pledge was given by the Ministers of the Crown that the natives of these islands should, if possible, be saved from that process of extermination under which uncivilized tribes had hitherto disappeared when brought into contact with civilization; and that the British Government was, for the first time in earnest, about to try the experiment whether a fragment of the great human family, long sunk in heathen darkness, could be raised from its state of

social degradation, and maintained and preserved as a civilized people: whether it were possible to bring two distinct portions of the human race, in the opposite conditions of civilization and barbarism, into immediate contact, without the destruction of the uncivilized race; and whether, in rendering the Colonization of a barbarous country possible by his religious teaching, the Christian Missionary is not also, at the same time, the pioneer of the destruction of its heathen people. Such were the grave issues involved in the proceedings now taken by Great Britain for the Colonization of New Zealand.

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CHAPTER III.

COLLISION WITH THE NATIVES.

EARLY in the year 1840, and before British authority was established in the country, the New Zealand Company's first fleet reached Wellington; and no sooner had their emigrants disembarked, than the want of authority for the preservation of order amongst them began to be felt. Ignorant of the difficulties of the enterprise into which they had hastily engaged, the New Zealand Company had made it their boast that they had undertaken the Colonization of New Zealand in direct defiance of the authority of the Crown; but their first body of Colonists soon found that, whatever may be its form, some governing power is the first necessity of the social state. Before leaving England the emigrants had entered into a formal compact amongst themselves that, when they reached their adopted country, every offender should be punished in the same manner as if the offence had been committed against the law and within the realm of England; that certain members of the colonizing body should constitute a Council of Government; and that in all criminal proceedings, an umpire, assisted by assessors, should decide on the guilt or innocence of the party

accused. Hardly, however, had their first body of settlers reached the country, when they were officially warned from England, not only that any act of coercion or authority done by them under the agreement would be illegal, but that they would be liable to a prosecution for usurping the functions of the Crown and Parliament in setting up an independent jurisdiction, and that it was the intention of the Government to enforce the strict letter of the law. A serious difficulty was thus experienced by them at a critical period of their adventurous undertaking; and, without some controlling power, the community must soon have been broken up. A prompt and efficient remedy was essential to its very existence. The Colonists, however, were Englishmen, practised in the exercise of political functions: not a few of them equal to any emergency; able, energetic, and determined. Self-preservation was the paramount consideration. They could not carry British law into effect, even by mutual consent; but there was no law to prevent them living in an independent State, enjoying its protection and subject to its laws. A Constitution and laws adapted to the habits of an enterprising body of Englishmen were not, it is true, at that time to be found amongst the wild tribes of New Zealand: this, however, was a small difficulty; for the country had at all events long since been officially declared by the Government to be an independent State. Some years previously, the British residents in New Zealand, for the purpose of providing some means of regulating the increasing commerce of our countrymen, had collected together a number of the

northern chiefs, who "agreed to meet in Congress at Waitangi, in the autumn of each year, for the purpose of framing laws for the dispensation of Justice, the preservation of peace and good order, and the regulation of trade." And although this attempted Confederation failed to effect the object of its author, it served as a useful hint to the newly-arrived settlers at Port Nicholson; and they at once perceived a means of obtaining the protection of laws of their own framing, without any violation of the laws of their own country. Following the example of the British residents, the Port Nicholson settlers called together "the Sovereign Chiefs" of the district, and went through the form of obtaining from them the adoption and ratification of the Contract of Government entered into by themselves before leaving England. Besides ratifying the Agreement, these "Sovereign Chiefs" conferred upon the Council of Government which had been established by the settlers, all such powers of legislation as they, as Sovereign Chiefs, might themselves exercise and perform. In resorting to these proceedings, however, the southern Colonists had no intention of establishing a permanent independent Republic: it was simply an act of self-preservation —a mere colourable proceeding, to enable them to maintain order amongst themselves, without violating the law of their own parent state. And this ephemeral Constitution answered the object of its founders: it gave them the appearance, at least, of legitimate authority; and it had the effect, too, of hastening the establishment of British rule.

But the Wellington settlers had yet no conception of the helpless position in which they had been placed by the precipitate proceedings of the Company by whom they had been sent out. For a short time after their arrival, they continued to live on the most friendly terms with the natives, and anticipated no opposition to their peaceful occupation of the country. But the defects in the Company's title soon became apparent. When their surveying parties began to cut the boundary lines, or when their purchasers proceeded to take actual possession of the land, natives from various parts of the country, who had not been parties to the sale, came forward to assert their rights; and, regarding the Company's settlers as unauthorized intruders, actively opposed their occupation of the land: while the Colonists, ignorant of the native law of property, naturally viewed the claims put forward by the natives as but a pretext for acts of violence, and for making extortionate demands. And thus, prevented from occupying the soil, the intending settlers were confined, in a state of complete inactivity, to the strip of land forming the site of the projected town of Wellington. From an early period of the settlement, angry relations sprung up between the Company's settlers and the natives; and during a long period of unprofitable inaction, capital remained idle, or was unprofitably expended; labour remained unemployed, and the best energies of a numerous body of enterprising colonists were wasted on the Wellington beach.

No long time elapsed, however, before the settlers had reason to believe that the Company had sold

land to them which they had never in fact purchased from the natives; and the question arose, what were the rights, the claims, and the obligations of the several parties? As to land which they had not sold to the Company, it was clear that the natives not only continued to have an undoubted right to it, but that they had also a claim upon the British Government to be supported in the peaceable possession of it. Before the country was colonized, repeated disclaimers were made by the Queen and her Majesty's predecessor of every pretension to seize upon it. By the treaty of Waitangi, too, "her Majesty the Queen of England *confirmed and guaranteed* to the chiefs and tribes of New Zealand the exclusive and undisturbed possession of their lands." By the Royal instructions the Governor was directed especially to protect them in their persons, and in the free enjoyment of their possessions; and the Secretary of State declared that "her Majesty had distinctly established the general principle, that the territorial rights of the natives, as owners of the soil, must be recognised and respected." Thus, the rights of the natives and their claims upon the British Government did not admit of a question. If the New Zealand Company had been even tacitly allowed to colonize New Zealand, they might have had some claims upon the Government for consideration: but they were distinctly informed by Lord Normanby, *before the sailing of their preliminary expedition*, that "her Majesty could not recognise the authority of the agents whom the Company might employ," and that "no pledge could be given for the future recog-

nition by her Majesty of any proprietary titles to land within New Zealand which the Company or any other persons might obtain by grant or purchase from the natives." And, so far from the Company's operations having been conducted under the sanction or with the permission of the Government, it was made a boast by the Company that they colonized New Zealand *in spite of the Government.* Neither against the natives nor against the Government, therefore, could the *Company* have any claims to land which they had not purchased.

But the settlers themselves, it was urged, had claims, either against the Government or against the natives, because "upon the faith of an Agreement between the New Zealand Company and the English Government, which *seemingly recognised and adopted* the Company's title, many of the settlers had expended sums of money." Unfortunately, however, for the Port Nicholson settlers, this Agreement contained an express declaration on the part of the Government that "the Company having sold, or contracted to sell land to various persons, her Majesty's Government disclaim all liability for making good any such sales or contracts;" and, to make the case stronger, in answer to an enquiry made on behalf of a number of purchasers of land in the Company's first or principal settlement, *and before the first body of settlers sailed from England,* the Colonial Minister replied that her Majesty's Government had no connection with that Society, and that he "could not hold out any expectation that her Majesty would be advised to recognise or sanction them." To a similar enquiry made on behalf of

a "small community of intending emigrants," it was replied that her Majesty's Government had not in any manner recognised the proceedings of the Association, *and could enter into no engagement as to the validity of any titles to land* which might be derived from that body. Upon the British Government, therefore, it was clear that the New Zealand Company's settlers had no claim. Neither had they any equitable claim against the natives. It is true that, according to our English notions of equity, if the owner permits a stranger, without warning or interruption, to erect buildings or to expend money upon his land, the stranger acquires a right to some consideration; but, in the present instance, the natives by no means acquiesced: they constantly protested: they did more; they in some cases pulled down the buildings erected on the land, and drove off the intruder by force.

The first really serious collision, however, between the two races occurred, not where many hundreds of our countrymen had settled themselves in the immediate vicinity of a populous native settlement, but in the thinly peopled Southern Island, and in a district not permanently occupied by the natives. About the middle of the month of July, 1843, the startling intelligence reached the seat of Government that a party of our countrymen belonging to the settlement founded by the New Zealand Company at Nelson, had come into collision with the natives, and had been cut off almost to a man; and that upwards of twenty of them, including nearly all the leading members of the Nelson Settlement had been tomahawked or shot.

The claims of the New Zealand Company to land in New Zealand amounted to some millions of acres; partly in the Northern Island, and partly in the northern part of the Southern Island: in many instances, however, these claims had been denied, and in some cases openly resisted by the natives, on the ground that the land had never, in fact, been sold by them to the agents of the Company. In order to carry out the plan on which the Nelson Settlement was founded, it became necessary, for want of land in the neighbourhood, after putting the settlers into the possession of their town and suburban sections, to resort to the Wairau valley, a fine district in Cloudy Bay, about seventy miles from Nelson, for the purpose of finding land to supply the original purchasers with their 150 acres' sections of *country* land; and in the month of April preceding several surveying parties were despatched, on the part of the Company, to survey the district. Almost immediately on their commencing work, the natives, who disputed the sale of that district, ordered off the surveyors, pulled up their ranging rods and stakes, and did everything in their power to prevent the survey from proceeding.

Whilst this was being done by some of their people, Rauparaha and Rangiaiata, two of the most powerful and least civilized chiefs of that part of New Zealand, who were the original native owners of the district, were at Porirua, on the other side of Cook's Straits, urging the Land Claims Commissioner, Mr. Spain, to hasten over to settle the land claims at Wairau, as they wished the surveyors to be withdrawn; and the

Commissioner agreed to hear these claims towards the end of June. In the meantime both the chiefs crossed the straits to Cloudy Bay, went up the Wairau with their party, found the surveyors still there, collected a number of them together, their tents and provisions, and told them that they intended to send them all off the land together. Previous to this, they had set fire to Mr. Cotterell's (one of the surveyors) hut; having first assisted him to move all property of value, to prevent its destruction. Early in June, Mr. Cotterell proceeded to Nelson, to inform Captain Wakefield, the Company's agent, of what had taken place: Mr. Tuckett, the Company's chief surveyor, attempting, but in vain, during Mr. Cotterell's absence, to obtain the permission of the chiefs for the survey to proceed. On arriving at Nelson, Mr. Cotterell (on the 12th of June) laid an information before the police magistrate, Mr. Thompson, who issued a warrant against Rauparaha and Rangiaiata for burning Mr. Cotterell's hut; and, accompanied by Captain Wakefield, the New Zealand Company's Nelson agent, and several other officers and men in their employment, shortly afterwards started for the Wairau, with the intention of executing it. Distinguished for his high character, humanity, and courage, Captain Wakefield, the leader of the Nelson Settlement, was esteemed and respected by all who knew him; and the last lines he ever wrote record his belief that in engaging in the ill-fated undertaking he was acting for the benefit of all. "We heard on Sunday," he wrote to his brother, Colonel Wakefield, on the 13th, "that

Te Rauparaha and Rangi have commenced operations on the Wairau, and have burned one of the surveyors' houses. The magistrates have granted a warrant on the information, and Thompson, accompanied by myself, England, and a lot of constables, are off immediately in the Government brig to execute it. We shall muster about sixty, so I think we shall overcome these travelling bullies. I never felt more convinced of being about to act right for the benefit of all, and not less especially so for the native race."

On the 13th, Mr. Thompson, the police magistrate, Captain Wakefield, Mr. Richardson, Captain England, late of Her Majesty's 12th Foot, Mr. Howard, the Company's storekeeper, Mr. Patchett, merchant, Mr. Cotterell, Company's surveyor, Mr. Brooks, who acted as interpreter, the Chief Constable of Nelson, three constables, and about twenty-five other persons, mostly labourers and others connected with the Company's survey department, started on the expedition. Before reaching the Wairau, they were joined by one of the Company's boats, having on board Mr. Tuckett, and ten or twelve men who joined the party. On Thursday evening, they anchored at the mouth of the Wairau, and remained there: and at a Pah at the entrance of the river, Mr Howard, the Company's storekeeper, served out arms to the men (about thirty-five in number) consisting of muskets, bayonets, pistols, swords, and cutlasses, and several rounds of ball-cartridge; the constables were also armed with guns, muskets, and pistols. One or two of the men

were sworn in as special constables: some were told they were going to take Rauparaha and Rangiaiata, on a warrant; few knew that they were on a hostile service, and many of the party expressed their intention not to use their arms. In the course of their progress they were joined by Mr. Barnicoat, another of the Company's surveyors, and his man.

Early on Saturday morning, the party, who had left their boats when the river became shallow, and marched up the banks, came up to the place where they expected to find Rauparaha and Rangiaiata and their party; and they found them encamped on the opposite bank of a narrow creek. By the directions of Mr. Thompson and Captain Wakefield, the European party was now formed into two bodies, under Captain England and Mr. Howard; who gave orders to their men not to interfere until directed. As a means of communication with the other side of the creek, where the chiefs were encamped, a canoe was placed across the water, to serve as a bridge. Mr. Thompson, Captain Wakefield, the Chief Constable Brook, and some others, then crossed over. Mr. Thompson, Captain Wakefield, and Mr. Cotterell walked backwards and forwards for nearly half an hour with the natives, and apparently in a friendly manner.* Mr. Thompson then showed his warrant,

* "Three women, the wives of Rauparaha, Rangiaiata, and Puaha, sat in the centre; the party of resident natives on one side, and the armed natives of the northern island on the other side of the group. Puaha stood in the centre with a Testament in his hand, reading to the natives, and exhorting both parties to peace. Rangiaiata was in the back-ground, out of sight."—*Tuchett's Narrative.*

directed the constable to execute on it on Rauparaha, and instructed Brooke to explain the meaning of it. Mr. Thompson also stated that he was "the Queen's representative," and that (pointing to the warrant) was the Queen's book; that Rauparaha must go on board the brig with the constable, and that it was for burning Mr. Cotterell's house, and had nothing to do with the land question. Rauparaha told them to sit down and talk, and not make a fight, and to wait till Mr. Spain and Mr. Clarke came, and hear what they would say. Mr. Thompson then inquired of Rauparaha whether he would come or not? to which he replied, he would not; but that if Mr. Clarke or Mr. Spain was there he would. Mr. Thompson then said, if he would not go he would make him. Rauparaha still refusing, Mr. Thompson, pointing to the Europeans, said, "There is the armed force, and they shall fire upon you all if you won't go." Mr. Thompson, it appears, then became "exasperated," and the discussion violent. Rangiaiata called on him not to fire. "For God's sake, Thompson, mind what you are about!" also shouted Mr. Richardson from the other side. Mr. Thompson, however, called to the armed party to fix bayonets and advance; Captain Wakefield, placing the canoe across the stream for a bridge, gave the word, "Englishmen, forward!" A few of them had entered the canoe, when a shot was fired—whether by accident or design is not quite clear—on the side of the Europeans. Upon this, the firing immediately became general on both sides, and several fell. Three of their party having fallen, the Maories

hesitated whether they should run away; but Rauparaha urged them to pursue. When the firing commenced, Mr. Thompson, Captain Wakefield, and the rest of the party who had been in communication with the chiefs, recrossed the creek to join their own party, who were now retreating up the hill, pursued by the natives. At each step in the ascent, Captain Wakefield again and again attempted to rally the men, and entreated them to make a stand, to fix bayonets and charge.

An irregular firing was still kept up, but the European party continued retreating. "For God's sake, come back, men!" cried Mr. Thompson; "the Maories are coming upon us." But the greater number made good their retreat, and there was running in all directions. Captain Wakefield, finding it impossible to rally the men, then ordered those who remained to lay down their arms and surrender. Brooke, the interpreter, called to the Maories, "Leave off, enough!" But after this, some shots were fired by those in retreat who had reached the top of the hill, and were too far distant to know what was going on below. When signals of surrender had been made, one or two Maories also threw down their arms, and advanced with their arms stretched out, in token of reconciliation. It seems that while the surrender was taking place by the gentlemen below, and the firing by the stragglers above, Rangiaiata came up enraged: he had discovered that his wife had been shot. "Rauparaha," said he, "remember your daughter!" The dreadful carnage then commenced; and Rangiaiata alone, with

his own hand, it is said, destroyed the greater number. "Puaha, Puaha!" cried out the wife of a chief from a distance; "save some of the chiefs" (gentlemen) "that you may have it to say that you have saved some." But it was then too late. On the European side, the number of armed men was forty-five; on the Maori side about forty were engaged: their loss was four killed and five wounded. On the Wednesday following Mr Ironsides, the Wesleyan missionary, having heard of the fatal conflict, hastened to the spot, where he found nineteen European bodies. On the Thursday they were buried, Mr. Ironsides reading at the grave the funeral service of the Church of England. On his way to the fatal spot, Mr. Ironsides met Rauparaha and Rangiaiata, and obtained permission to go and bury the dead. They told him that they had no intention to fight: that it was the wrath of the Europeans that made them fight; that the Europeans had fired upon them, and one or two of their number had fallen before they began to fight; and that it was not until the wife of Rangiaiata was shot that "they began to seek for payment."

In addition to the nineteen bodies found dead upon the field, five of the party were severely wounded, and four were missing. In defence of the survivors, who fled early in the conflict, it was urged that many of them were common labourers on the Survey-staff of the New Zealand Company, not hired to risk their lives in fighting with the natives; that they had no interest in the contest; and that they had wives and families depending on them for support. But in

answer, it was said that they ought, in the first instance, to have refused to take up arms; or, having taken them up, to have manfully used them: but that they took up arms, advanced and fired, and entered into the conflict under the direction of leaders, and thus undertook to support and obey them; and that if they had done so, the most revolting features of the case would have been spared, and many valuable lives; but that, as far as it was possible for them to do so, they damaged the British character in the estimation of the Maories; and, having entered so far into the conflict as to fire upon a body of people guilty of no offence as far as they were concerned, they then, heedless of the rallying cry of Captain Wakefield, and deaf to the entreaties of Mr. Thompson for support, left their comrades in the hour of need to the savage fury of those whom they had themselves provoked. But, be that as it may, the disastrous encounter affords a mournful lesson of the fatal folly of putting arms into the hands of men who are not both able and willing to use them. Before the affray commenced, the prestige of our countrymen stood high; and, if they had shown a steady front, and made a determined stand, the natives would probably have given way: we should certainly have been spared the appalling horrors of the closing scene.

Immediately after the fatal conflict, Rauparaha and Rangiaiata crossed over Cook's Straits, and with a strong party took up their position at Waikanae and Otaki, about fifty miles from Wellington. Anticipating retaliation from the English, they were medi-

tating an attack upon the town; and the Wellington people, not without reason, became seriously alarmed. At that time, no troops were stationed there: the whole military force in the Colony, stationed at Auckland nearly five hundred miles distant, did not exceed one hundred men; and they could not be brought down to Wellington in less than a month.

As a precautionary measure, it was resolved, at a meeting of the magistrates in Wellington, that Mr. Spain, the Commissioner of Land Claims, should be requested to go and communicate to the native chiefs their determination not to make, or sanction, any attempt to take vengeance for the death of the white men at the Wairau, but to leave the whole matter to the decision of the Queen's Government. Few men at that moment would have sought the commission; but Mr. Spain was not the man to shrink from the honour thus conferred upon him by his brother magistrates: and he at once proceeded up the coast, when he met Rauparaha himself, and addressed a large assemblage of the natives, informing them that it was not the policy of the English law to punish the innocent for the guilty; that the statments both of the Maories and the white men engaged in the conflict had been sent to Auckland to the Governor, who would decide upon the steps to be taken; and that, in the mean time, no act of aggression would be committed upon them by the English.

At the conclusion of his address, Mr. Spain was asked by Rauparaha if his object in coming amongst them was not, first to quiet them, in order that the

English might have time to get troops, and when they came, if the English did not intend to attack them? "Rauparaha," says Mr. Spain, "seemed to feel the difficulty of my situation. 'I hope, at all events,' said he, 'you will act as gentlemen, and that if the Governor should decide upon sending soldiers to take me and Rangiaiata that you will send and let us know when they arrive: you need not take the trouble to send up here for us. If you will only send, I will come down to Wellington with 1,000 Maories, and have a fight with the white men: if they beat us they shall have New Zealand, and we will be their slaves; but if we beat them, then they must stand clear.'"

Rauparaha, whose name had for many years been a terror to the country, was a most powerful speaker and a crafty, able man. He told the natives that the English in retaliation would certainly make an attempt to kill all the Maories: that they had already sent for soldiers, and were preparing at Port Nicholson; and that now was the time to attack the white people before they were prepared. Happily for the peace of the country, the people of the district had for some time been living under the ministration of one of the most devoted and influential Missionaries in New Zealand; and it is hardly too much to affirm that Wellington owed its safety at that moment to a single individual, the Reverend Octavius Hadfield.*

* Mr. Hadfield arrived in New Zealand in December, 1838, with the Bishop of Australia, by whom he had recently been admitted to deacon's orders. In January, 1839, he was ordained priest. Five years afterwards, he was appointed, by the Bishop of New Zealand, Rural Dean of the district of Wellington and Taranaki; then Archdeacon of Kapiti;

Yet a single false step on the part of the Government would have been fatal. If the natives had then attacked Wellington, in force, probably not even the patrimony of God would have been spared; but "the smoke of the town would have gone up like the smoke of a furnace," and, like Kororarika, the New Zealand Company's "first and principal settlement," would have been totally destroyed.

On the side of the Maories it was complained by Rauparaha that the attack made upon them was unjust; that the English first took away his land, and then wanted to take himself and Rangiaiata into custody for having destroyed a hut built upon his own land of toe-toe and wood grown upon it: and "is this," said he, "the justice the Queen of England promised to the Maories?"

The Nelson people, on the other hand, sent a deputation to wait upon the Government to express their views of the catastrophe. "We have no hesitation in stating," said the deputation, "that it is the general opinion of the settlers at Nelson that our countrymen who were killed at the Wairau plain, lost their lives in endeavouring to discharge their duty as magistrates and British subjects, obedient to British law; and that the persons by whom they were killed are murderers in the eyes of common sense and justice." On the part of the Colonial Government it was replied that for the recent bloodshed an awful

and he has since been nominated as the first Bishop of the See of Wellington: an office, however, which, from ill health, he has been been unable to accept.

responsibility had assuredly been incurred; but what was the degree of criminality of those concerned in the fatal conflict, and on whom that criminality chiefly rested, were questions on which no opinion could then be given, as the transaction might become the subject of judicial inquiry; but that whatever might be the crime and whoever might be the criminals, it was but too clear that the event had arisen in consequence of some of the New Zealand Company's surveyors, without the knowledge or concurrence of the Government, proceeding to take possession of, and to survey a tract of land in opposition to the original native owners, who had uniformly denied the sale of it.

Fortunately for the safety of the country, the Government were so far removed from the scene of action as to be able to form a dispassionate judgment of this most deplorable calamity. After the most anxious and careful consideration of all the evidence before them they arrived at the conclusion that the proceeding, so far as Mr. Thompson the police magistrate was concerned, was illegal in its inception, and in every step in its execution, up to the moment of the attack itself; that it was unjustifiable in the magistrate and the four constables, and that it was criminal on the part of the rest of the attacking party: and the British Government, still further removed from all disturbing influences, arrived at the same conclusion. "So manifestly illegal," wrote the Secretary of State, "unjust, and unwise were the martial array and the command to advance, that I

fear the authors of that order must be held responsible for all that followed in natural and immediate sequence upon it : . . . Whether I try the proceedings of Mr. Thompson and his followers by general principles, or the narrower rules of the law of England, I am compelled to adopt the same conclusion: I adopt and I record it with that serious concern with which alone we can contemplate the errors of our fellow-countrymen, when expiated by the most lamentable sufferings, and even, as unhappily in this case, by death. But my regard for the memory of the deceased (among whom were several gallant and meritorious men, and eminent benefactors of the colony) does not acquit me of the obligation of stating explicitly my judgment of their proceedings. It is a painful duty: but that judgment is that they needlessly violated the rules of the law of England, the maxims of prudence, and the principles of justice."

The attempt has been made by the New Zealand Company to fix upon the Local Government "the Massacre of the Wairau, and the crime of having, by unjust and ill-judged proceedings, involved first the Northern and then the Southern districts in insurrection and bloodshed." But ten years after the fatal event, when all excitement had entirely passed away, a Committee of the House of Representatives, composed of the leading members from every Province, and having certainly no leaning in favour of the executive Authorities by whom the Colony had been governed, thus recorded their judgment on the subject:—"It is with great pain and reluctance that

your Committee refer to the melancholy affair at Wairau in 1843; nor is it with the smallest intention of casting any reflection upon the memories of the men who fell there: whom they believe to have been men of high and generous character, and actuated by honest motives; although, from their ignorance of the native character, almost necessarily mistaken. But your committee cannot admit that the responsibility of the Massacre of the Wairau rests with the Local Government, or that it has any necessary connection with the selection of the site of the Nelson settlement. There can be no doubt of the fact that the Massacre of the Wairau was caused by the agents of the Company attempting to take possession of a district with regard to which the natives always denied that they had sold it; and although the Local Government may seem to be implicated in the matter, inasmuch as its representative, the Police Magistrate, headed the expedition, it is nevertheless perfectly notorious that the Company's agent was the real instigator of that expedition which led to such lamentable results. The native war in the north, there is every reason to believe, was occasioned by the success of the natives in the conflict with the white men at the Wairau. In consequence of that success, the superstitious feeling with which the natives had previously regarded the power and the law of the white man was destroyed; the jealousy of the natives on the subject of their territorial possessions was indefinitely stimulated, and a feeling was created which prompted the restless and turbulent among a race of savages fond of the ex-

citement of war, to seek to emulate in another field what they considered to be the triumph of their countrymen. In fact, instead of deducing the native wars from the proceedings of the Local Government as their sole or principal cause (the position assumed by the New Zealand Company) there appears to your Committee greater reason to say that the first conflict between the settlers and the natives was precipitated by the conduct of the Company and its agents."

CHAPTER IV.

JOINT-STOCK COLONIZATION.

HAVING, in the first instance, been taught to regard the natives and the Colonial Government as the cause of their misfortunes, the Wellington settlers for some time made common cause with the New Zealand Company: but the proceedings in the Court of the Commissioners of Land Claims soon brought to light the fact that the Company had received from their settlers money for land which the Company had never purchased, and of which the native title had never been extinguished; and the southern settlers now directed their complaints against the Company themselves. "It is distressing," said the late Mr. Charles Buller, a leading member of the Directors of the Company, writing to the Secretary of State, "to hear the tales of individual disappointments and woe which reach us every day. All emigration to New Zealand is stopped: the first Colonists are quitting it as fast as they can," and "these returned Colonists," say the Directors themselves, addressing their shareholders, "come straight to us, and afflict us with their complaints of disappointments and ruin."

"We tell you," they add, "that it is our deliberate conviction, that unless a great change takes place immediately, your settlements will not be worth preserving. We come here to fritter away borrowed money, to consider claims we have no means of satisfying, and to hear the most distressing complaints without being able to assist the sufferers." Such was the account given by the Company themselves of the result of their colonizing operations, as regards their first and principal settlement.

Having discovered the real authors of their misfortunes, the whole body of resident landholders in the settlement of Wellington and Wanganui now claimed compensation from the Company who had sent them out from England: "We address you," said they, "not as supplicants for your bounty—not as men suing for favour at your hands—but as parties deeply and grievously injured: as men protesting against great wrongs inflicted by you, and, as such, demanding redress. And to what causes are the disasters which have befallen us attributable? You cannot and dare not deny that the immediate and proximate cause of our ruin has been the non-fulfilment by you of the contract formed with us seven years ago." No great length of time elapsed before the unhappy situation of the New Zealand Company's settlers became known in England; and with what result may be readily imagined. "The accounts which have reached home," wrote their chairman, addressing the Secretary of State, "have produced a like cessation of income from land sales here;

for the Commissioners' Court has rendered them unmarketable, ... and the Company has altogether ceased to obtain any return from its lands. These difficulties must, we think, be ascribed to one cause: namely, the dispute respecting the Company's titles to land. This is the one thing which appears to have led to all the bad blood between the natives and the settlers. It was the direct cause of the unhappy business at Cloudy Bay,* and of the subsequent disastrous state of feeling."

Although the attempt was made by the Company to impute the misfortunes of themselves and their settlers to the bad faith of the natives, the Report of the Land Claims Commissioner, soon afterwards made public, authoritatively showed that they had sent out settlers from England to occupy land which they had never purchased, and that they had actually sold to them land to which they never had a claim. "I am of opinion," reported the Commissioner of Land Claims, "that the greater portion of the land claimed by the Company in the Port Nicholson district, and also in the district between Port Nicholson and Wanganui, including the latter place, has not been alienated by the natives to the New Zealand Company; and that other portions of the same district have been only partially alienated by the natives to that body: and it appears to me, so far as the evidence has gone, that all the Company's purchases were made in a very loose and careless manner." To the precipitate proceedings of the

* The Wairau.

New Zealand Company, in a second time sending out a body of emigrants before it was known that a suitable locality had been secured for their reception, is to be attributed that appalling catastrophe in the valley of the Wairau, which will be for ever memorable in the history of New Zealand.

However plausible it might have been in theory, their scheme of the Nelson Settlement failed also in bringing together the three necessary elements of land, capital, and labour, in the prescribed ratios. Formed in England, upon paper, the plan was attempted to be carried out in a locality unsuited to the purpose. A "sufficient price" had indeed been paid for the land by the intending settlers before leaving England; but on arriving on the site of the settlement, the "land" itself was not to be found; and in the attempt to obtain the greater portion of the quantity required, and that, too, at a distance of seventy miles, more than twenty valuable lives were unhappily thrown away. "Labour," it is true, was carried out; but no adequate amount of "capital" went out, or was sent out to employ it; and, failing to find employment amongst the settlers, a large number of labourers fell back upon the Company who had sent them out, and for a time about three hundred were employed by them upon public works. Disappointed in the expectations they had been led to entertain, finding themselves employed, almost out of charity, by the New Zealand Company, at what they believed to be an inadequate rate of wages, the labouring class broke out into open mutiny, and threatened to plunder the

Company's stores.* Nor were the land-purchasers themselves better satisfied with their lot: the failure of the Company to put them into possession of land, naturally occasioned them much disappointment and loss; and, like the Wellington settlers, they also now claimed compensation from the Company for breach of their agreement. For some time, these claims were strenuously resisted by the Company: eventually, however, they announced to the Nelson land-purchasers that they had submitted to counsel a case for a legal opinion as to the respective rights and liabilities of themselves and their settlers; that they had authorized their agent at Nelson to act in behalf of the Company, taking the opinion which might be given on the case as the basis of the arrangement; and promising that the opinion itself should be sent out by the earliest opportunity after it should have been received by them. Shortly afterwards a legal opinion, to the effect that the New Zealand Company were *not* liable to their settlers, either for breach of contract, or for the losses sustained by them, was sent out by the Company, and made known to its Nelson settlers by their Nelson agent: and, believing this to be the legal opinion referred to, having no knowledge of any second or different "opinion," and finding that they had no legal rights against the

* Sir Everard Home, who visited Nelson in her Majesty's ship "North Star" soon after the Wairau massacre, reported that "a force was wanted, not to repel the attacks of the natives, but to restrain and keep in subjection the English labourers brought over by the New Zealand Company; who have, I believe, been in open rebellion against their employers, more than once."

Company, the Nelson land-purchasers agreed to a compromise on the most favourable terms they could procure.

But for the proceedings by which the character of English public companies has recently been disgraced, it would be too serious an accusation to be hazarded even against the Directors of a trading Joint-Stock Association, yet it has been publicly charged against the New Zealand Company that the "opinion" sent out by them for the guidance of their settlers at Nelson was a changeling: that the opinion of their own counsel (a member of their own body, and a man of character and standing,) was, that the New Zealand Company were not only liable to return to the Nelson land-purchasers their original purchase-money with interest, but to make compensation also for their losses; that suppressing this opinion, they submitted a case to another counsel, but little known in the profession, from whom they obtained an opinion that the land-purchasers had no claims against them; and that they sent out this second opinion as that to which they had originally referred as the basis of the proposed arrangement, thereby entrapping their settlers into making a compromise disadvantageous to themselves. And mortifying it must no doubt have been to many honourable men who joined the association with no other object than to aid and take part in what they believed to be a laudable undertaking, to find its governing body afterwards charged before Parliament with deceiving their own

New Zealand Colonists by means of a deliberate suppression of the truth.*

With reference to the settlement of Nelson itself, the Chairman of the Company, in his place in Parliament, made the candid admission that it did not fulfil the strict letter of the law: that the scheme of it was not well advised; and that it had not answered the expectations either of the Company or of the settlers: and "In so far as that field of settlement extended," says the recent Report of the Committee of the House of Representatives, "the Company was entirely unobstructed in its operations, and its failure there, and the misery of its settlers, are mainly

* On hearing these charges, Lord Grey, who had obtained for the New Zealand Company a "very favourable arrangement," was naturally alarmed, and wrote to a leading member of the Company for an explanation. "It grieves me to say, but I cannot conceal from you, that these circumstances go far towards destroying the confidence I thought I might place in the Company; and as it was very much at your instance that I obtained for them 'the very favourable arrangement' which was made, I think I have a right to look to you to interfere, in such a manner as you may think most advisable, to induce them to pursue in future a more straightforward line of conduct."

Nor was the explanation Lord Grey received from Mr. John Abel Smith entirely satisfactory.

"I am glad to be able to say that the explanations given by Mr. Aglionby and Mr. Harington have been, in a great measure, satisfactory to me. . . . Still, I think it unfortunate that the fact of such an opinion existing was not known to Colonel Wakefield at the same time that Mr. Lloyd's was sent to him, since I fear this will have led to what may hereafter give rise to serious complaint on the part of the settlers. It appears, I think, clearly, from Colonel Wakefield's letter, that their conduct has, in some cases at least, been influenced by their having been led to believe that the legal advice obtained by the Company went clearly to show that the settlers had not any chance, in strict law, against them."—Lord Grey's *Colonial Policy. Appendix to Second Edition.*

chargeable upon its own mismanagement and the utter unfitness of the scheme of colonization attempted to be carried out, as applicable to the peculiar features of the Colony." "So long," they add, "as the Company attempted to carry out that scheme, and actively interfered in the affairs of the settlement, money was squandered; labour was misapplied; there was no production and no vitality; and the dawn of progress, healthfulness, and production dates from the day when the Company's works were suspended, the Company's system of colonization was abandoned, and working men placed upon allotments of land." Such was the judgment passed by the Representatives of the people on the Company's second settlement in New Zealand.

With respect to the class of labouring emigrants sent out by them, it would be unjust to the New Zealand Company not to acknowledge that eventually, and as a body, their emigrants have bettered their condition by going out to New Zealand. But in their case also, as well as in that of the land-purchasers, it would not be difficult to point to instances of promises unfulfilled, or sought to be evaded. The case of the labourers at Taranaki, on any other evidence than the admission of the parties implicated, would be incredible: but that case rests upon the written statement of the Company's own agent, published by the Company themselves in the Appendix to their 12th Report. "You are aware," writes their Taranaki agent, "that the emigrants in this settlement hold what they call 'embarkation orders,' being

a sort of handbill, in which it is distinctly stated that the Company's agent will *at all times* give them employment in the service of the Company, if *from any cause* they should be unable to obtain it elsewhere. Being unable to give any other interpretation of this promise than the words quoted seemed to imply, and yet bearing in mind that the Court of Directors view their engagement in a different light, I ENDEAVOURED TO EVADE IT, by sending the applicants for employment a long distance from home; making no allowance for time spent in the journey, or for time lost in bad weather. The necessities of the men and their families were such as compelled them to submit for several weeks to these conditions: but many came home sick and claimed the promised medical aid; and others commenced *the trade of pig and sheep stealing*, not having yet had time to raise potatoes for themselves."

Nor were the New Zealand Company more successful in establishing for themselves a high character for straightforward honesty of purpose in the conduct of their proceedings in England. When New Zealand first became a British Colony, the Chatham Islands, lying about 500 miles to the eastward of the New Zealand group, were not included in the Governor's commission. The circumstances under which these islands were afterwards annexed to the colony of New Zealand, are not without their interest. In the year 1841, but little was known of the New Zealand Company beyond the fact that they were an influential association, comprising amongst

their Directors men of name and reputation, and it was thought an inexplicable proceeding that the permanent Under-Secretary of State for the Colonial Department should have sought and obtained permission from Lord John Russell (then Colonial Minister) to be relieved from the duty of ever again receiving any of the Directors of that body at any interview relating to their affairs. But Sir James Stephen must have had good reasons for resorting to so significant a proceeding. The correspondence which soon afterwards took place between the Company and the Government on the subject of the Chatham Islands, makes it probable that his apprehensions of the danger of transacting business with them in the absence of documentary evidence were not without foundation. After entering into negotiations with a German Colonization Company for the sale of the Chatham Islands, they commenced a correspondence with the Government on the subject; and the Governor of the New Zealand Company wrote to the Secretary of State (Lord Stanley) informing him "that the Directors of the New Zealand Company being in treaty for the sale of the Chatham Islands to a German Company, they consider it right to inform his Lordship of the circumstance. To give useful neighbours to the settlement which they have founded in New Zealand is the motive which has principally induced them to dispose of their property in the Chatham Islands. It is the intention of the Directors to make it a condition of the transfer, that British vessels should have the same privileges in the

ports of the Chatham Islands, as the national flag of the Hanse Towns," &c., &c.

In reply, Mr. G. W. Hope is directed to state, that "Lord Stanley cannot discover on what grounds the Company can claim a right to enter into negotiations with the diplomatic agents of a foreign State for creating a foreign Colony in the neighbourhood of the British settlements, and the protection of the commerce and navigation of Great Britain with the proposed Colony; and that the opinions of the Attorney and Solicitor General will be taken as to the consequences, in point of law, of the assumption and exercise by the Company of such powers." To escape the dilemma, it was stated by Mr. Somes (the Governor of the Company), that "the Company had not entered into any contract in their capacity of Directors: that, in fact, the Chatham Islands are not claimed by them at all, but belong to the old Company; and they trust that the circumstance of their having, perhaps rather unguardedly, stated that they (the Directors) were in treaty, &c., will not prejudice them in his Lordship's judgment." Lord Stanley then informs them, that, "as it now appears from their own statement that they have no property in the Chatham Islands, he thinks it unnecessary to pursue any correspondence with them on the subject." Three weeks later, however, Mr. Hope is directed to inform the Directors, that "the Law Officers have reported their opinion that the purchase of the Chatham Islands, and the proposed sale of them by the Directors, were unauthorised by their Charter; and

that their proceedings in the transaction were an interference with the Royal Prerogative, and therefore unlawful;" and that "an abuse of their powers may be the forfeiture of their Charter." The Company again, in reply, state, that "no act has been done between the Company and the parties, with reference to the projected arrangements." But three months later they are informed that Lord Stanley has received the copy of a despatch from Her Majesty's Chargé d'Affaires at Hamburgh, enclosing the copy of an agreement for the sale of the Chatham Islands, purporting to be made between "Mr. Sieveking, of the one part, and John Ward, Esq., acting on behalf of the New Zealand Company of London, incorporated by Royal Charter, of the other part." What may be the legal consequences of this transaction, Lord Stanley does not think it necessary then to state; but the Company are informed that thenceforward the Chatham Islands will form part of the colony of New Zealand; and that no claimant will be allowed a greater quantity of land than 2,500 acres. Nothing now remained for the Directors but to disavow Mr. Ward's proceedings; and Lord Stanley is assured that "the steps taken by Mr. Ward, in his communication with Mr. Sieveking, were not taken in pursuance of instructions from the Company."

The proceedings of the Company as a colonizing body had now come to a dead lock. They had expended a considerable amount of capital in fitting out their preliminary expedition, in sending out emigrants, and in payments to natives for land. But they hardly

succeeded in a single instance in making a really valid purchase: on the contrary, the proceedings in the Land Commissioners' Court proved that, in almost every instance, their claims were either defective or wholly without foundation. This discovery led to a lengthened and angry discussion between themselves and the Government. The Company having represented themselves to be the purchasers of large tracts of land from the natives, the Government had agreed to grant to them, not the whole quantity claimed to have been purchased, but four times as many acres as they had expended pounds in the work of colonization. According to the terms of the agreement, they would have been entitled to a grant from the Crown of upwards of a million acres of land. The agreement, however, was based throughout upon the assertion of the Company that they really had made large purchases of land in New Zealand. Failing, however, to prove a valid purchase of the land claimed by them, the Company nevertheless maintained that it was immaterial to them whether or not they had in fact extinguished the native title to the land, as the Government were bound, under any circumstances, to put them in possession, if not of the particular land itself, at least of the stipulated quantity. As this extraordinary claim of the Company could only be satisfied by making a purchase of upwards of a million acres of land from the native owners of the soil, out of the public funds, and at the expense of the British nation, it was strongly resisted, so long as Lord Stanley continued to administer the government of the colonies.

The affairs of the Company were now in an utterly hopeless condition. They had not only sold land to their settlers to which they had no title, but they were unable to put them in possession. On all sides they were beset with claims for compensation and redress; their capital was expended, and the native owners of the soil, exasperated by their attempts to take possession of the land by force, were now unwilling to deal with them for the sale of it on reasonable terms. In bringing before the public their project for colonizing the New Zealand Islands, they, in the first instance, expressed the most considerate regard for the rights of the native race, and avowed their desire to promote their permanent interests; but their colonizing operations were now beset with difficulties, and there appeared to them to be but one mode of surmounting them, and that was by urging the British Government to set aside the Treaty with the natives by which the Sovereignty over New Zealand had been gained. "We have always had very serious doubts," urged the New Zealand Company, addressing the Queen's Minister, "whether the treaty of Waitangi, made with naked savages by a consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment." Seeing that such an argument could be put forward in the name of a body of Englishmen, it may be feared, that if the aboriginal race of New Zealand had been less powerful, and less able to hold their own, and if the Queen's Minister had been a

less high-minded and a less high-spirited gentleman, and less independent of political support, the honour of the Crown and the character of the nation would have been in danger of being impaired, and the rights of the native inhabitants of the country would have been sacrificed to the interests of an English Joint-Stock Association. Happily, however, the honour of the Crown and of the country was in honourable keeping, and the suggestion to set aside the treaty of Waitangi was met by a reply which deserves to be recorded in the annals of our history—a reply which few Englishmen can read without a feeling of proud and pleasurable emotion, and which cannot be more fitly characterized than as being worthy of a Minister of the British Crown. "Lord Stanley is not prepared, as Her Majesty's Secretary of State, to join with the New Zealand Company in setting aside the treaty of Waitangi, after obtaining the advantages guaranteed by it; even though it might be made with 'naked savages,' or though 'it might be treated by lawyers as a praiseworthy device for amusing and pacifying savages for the moment.' Lord Stanley entertains a different view of the respect due to the obligations contracted by the Crown of England; and his final answer to the demands of the New Zealand Company must be, that so long as he has the honour of serving the Crown, he will not admit that any person, or any Government acting in the name of Her Majesty, can contract a legal, moral, or honorary obligation to despoil others of their lawful or equitable rights."

Failing in the attempt to induce the Government to break faith with the natives, the Company, as a last resource, claimed compensation from the Government, and a Committee of the House of Commons was appointed to examine into the complaints made by the Company of losses sustained by them in consequence, as they alleged, of the proceedings of the Colonial Office, and of the local Government of New Zealand. Lord Howick, who had taken an active part in supporting the case of the Company before the House, was appointed Chairman, and the Committee, by a narrow majority, reported their opinion that the Company had sustained injury from the Government, and that they were entitled to redress. But the Committee appointed some years afterwards by the House of Representatives in New Zealand itself, to inquire into the subject of the Company's debt, arrived at a different conclusion. "Your Committee,"* said their Report, "feel the greatest diffidence in giving utterance to any opinions which might conflict with the decisions of such a tribunal, the highest in point of honour and intelligence to which any question can be referred; but they nevertheless feel that this is a subject upon which the accident of their position gives them advantages which no other body of men enjoy, and necessarily confers upon their views in relation to this subject all the weight which must attach to a more complete knowledge of details, and to local and personal experience." . . . "After passing in review the conduct, the engagements, and the position

* Votes and proceedings, Sess. 1 & 2.

generally of the New Zealand Company prior to the arrangement entered into between it and Lord Grey in the year 1847, they have felt themselves fully justified in concluding that the statement of their losses made at that time was exaggerated: and that the failure of their enterprise, with the consequences flowing out of that failure, are mainly to be charged to the acts and neglects of the Company itself;" and that "without seeking to justify in all points the conduct of the Government, your Committee consider themselves warranted in asserting that the Company's losses were mainly attributable to its own proceedings, characterized as these were, in many respects, by rashness and mal-administration."

When Lord Grey came into office as Colonial Minister, he was of course immediately appealed to by the Company for that assistance and redress which his predecessor, Lord Stanley, had steadily refused. Nor was the appeal in vain: Lord Grey not only reversed the policy of his predecessor, and admitted to be valid those claims which Lord Stanley had resisted as unjust, but, notwithstanding the antecedents of the New Zealand Company, passed a measure through Parliament,* vesting in that body the whole of the demesne lands of the Crown in the province of New Munster; granting to them, in addition to a previous loan of 100,000*l.*, a further loan of 136,000*l.*; and finally, providing that if they should find themselves unable "to continue their proceedings with profit to themselves and benefit

* 10 & 11 Vict., c. 112.

to the Colony," they might wind up their affairs, freed from all liability to repay the loan of 236,000*l.*, and with a charge in their own favour of the sum of 268,370*l.* 15*s.* 0*d.* on all future sales of the demesne lands of the Crown throughout New Zealand: the Government agreeing to accept as an equivalent the lands which the Company merely claimed to have "acquired or to have become entitled to."

Few persons probably have read the very characteristic, graphic, and instructive evidence given by Mr. Edward Gibbon Wakefield before a Committee of the House of Representatives in New Zealand, on the subject of the New Zealand Company's debt; but from the account then given of this transaction—which can hardly, however, be received as the evidence of an impartial witness—it appears that Lord Grey was not prevailed upon without considerable difficulty to become a party to so extraordinary an arrangement. Referring to the Committee of the House of Commons, who had reported in favour of the claims of the New Zealand Company, Mr. Wakefield says,—"The inquiry was led and principally arranged by Lord Howick, who was Chairman of the Committee, and who, in the House itself, had taken a very prominent and active part in the discussion which led to its appointment. . . . The Report was written by the Chairman. . . . In 1846 Lord Howick, having succeeded his father as Lord Grey, became the Colonial Minister. . . . One of the most active champions of the Company in the House next to Lord Howick, namely Mr. Hawes, became Under-

Secretary of State for the Colonies. . . . Amongst Lord Howick's coadjutors in the House of Commons as advocates of the Company's claim, had been Mr. Charles Buller—a Director of the Company, and their principal legal adviser and organ of communication with the Government. Under the new Administration Mr. Buller became Judge Advocate-General. . . . Mr. Buller was, though unofficially, yet in a formal and official manner associated with Lord Grey and Mr. Hawes in the Colonial Office as a person to be consulted by the Colonial Minister on matters of importance. . . . It was then confidently supposed by everybody who knew and cared anything about the matter, as well those who had supported as those who had opposed the Company's claim for redress, that such redress would be obtained without delay. Within a very short time, however, of Lord Grey's accession to power, it became known, through private channels, that he was indisposed to maintain in office the view of which he had been so warm an advocate in opposition." But, Mr. Wakefield adds, "I was struck with apoplexy, and from that time until late in the autumn in the following year was entirely disabled from attending to any kind of business. My incapacity changed the whole character of the Direction, which then fell into the hands of a few persons in whose minds sound principles of colonization and colonial government was as nothing compared with pounds, shillings, and pence. They and Lord Grey soon came to an understanding. He wanted to get rid of the obligations imposed upon

him by his previous career as a colonial reformer and an advocate of the redress by the Imperial Government of the wrongs which the Imperial Government had done to the Company. They wanted to save the shareholders—including themselves—from further calls; to raise the value of the New Zealand Company's shares in the market; and to go on with a pottering and make-believe of colonization with funds supplied by the Government, as a means of avoiding the disgrace which would have attended upon an avowed abandonment of all the objects for which the Company was formed. They made a bargain. The Directors sold the honour of the Company and the interests of the Colony for money, to come through a parliamentary obligation upon New Zealand to recompense the Company for its losses.* . . . This was the second stage in the building up of what is now called the Company's debt." By those who care further to see behind the scenes, Mr. Wakefield's evidence on the occasion in question—and it is not a little amusing and suggestive—must be read *in extenso*.

* It appears that the agreement entered into with the New Zealand Company by the Government, and which has been the subject of so much grave comment, was "prepared by Mr. Buller; to whom, in concert with the New Zealand Company, it was entirely left to make what, in his judgment, was the best arrangement; subject to only two conditions, on which he (Earl Grey) specially guarded himself: namely, that the pecuniary assistance should not exceed a certain sum. . . . After much consideration, *Mr. Charles Buller* prepared the drafts of letters between *the Colonial Office* and the Directors of the Company, in which were embodied the terms of the arrangement *he prepared*. These terms were assented to by the Government and the Company: the letters *on both sides* were written from Mr. Buller's drafts."—*Speech of Lord Grey on the second reading of the New Zealand Bill.*

Of the terms of the agreement then entered into between the Government and the New Zealand Company there is but one opinion; and the private history of the transaction has only recently been explained. It it only just, however, to a man of Lord Grey's high character, to believe that in being a party to such an agreement he was himself mistaken and deceived; and that, notwithstanding their antecedents and the ill success which had attended the colonizing operations of the New Zealand Company, he still believed they might be turned to useful account, as instruments in promoting a great scheme of emigration for the benefit, not only of New Zealand, but of the kingdom at large. If such, however, were Lord Grey's expectations, no one could be more grievously disappointed than himself. Out of the large sums of public money now placed at their disposal for the purpose of restoring the prosperity of the existing settlements of the New Zealand Company, and to promote efficient colonization, less than 30,000*l.* was expended by them in emigration; and the New Zealand Committee report* that, instead of being applied to its legitimate objects "a considerable sum was lent by the Company to its own shareholders, and lost. That other large sums were laid out, ostensibly in the purchase of private estates, but really to buy up troublesome claims for compensation; and that further sums of considerable magnitude were appropriated by the Directors of the Company amongst themselves on account of past fees." And, notwithstanding the ample

* Report on New Zealand Company's debt paper. Sess. 1 & 2.

means which had been placed at their disposal by Earl Grey, they still found themselves unable "to continue their proceedings either with profit to themselves or with benefit to the colony;" and, taking advantage of the "very favourable arrangement" obtained from Parliament on their behalf, they surrendered their charter, and, as a colonizing association, ended their career without having given a single legal title, to a single individual, of a single piece of land; leaving the whole of their engagements in respect of the disposal of land, during a period of twelve years, unfulfilled and uncompleted, and leaving the whole colony burdened with a debt of 268,000*l.*

The Report of the Select Committee of the House of Representatives appointed to inquire into the origin, nature, and extent of the just claim, if any, of the New Zealand Company upon the Colony of New Zealand, may be taken fairly to represent the views of the New Zealand Colonists generally of the injustice and impolicy of the charge of 268,370*l.* 15*s.* in favour of that body, imposed on the waste lands of the Crown by the Colonization Act of 1847, and by the Act to grant a Representative Constitution to the Colony, 1852. "Your Committee feel assured that the House will disavow, with perfect truth and earnestness, any desire to repudiate a claim which the Company can fairly establish against the Colony in virtue of property surrendered to it. But, with equal justice and earnestness, they conceive that it becomes the Colony to protest against a debt fixed upon their own calculations, proved to be utterly fallacious under

circumstances justifying more than a suspicion of disingenuous suppression of the truth; and by the operation of which they are burdened with the payment of a large debt, a very considerable proportion of which is certainly unrepresented by any assets."

Not content with having this debt charged upon the demesne lands of the Crown within the limits of their own colonizing operations of the south, the Company contrived to have the charge extended over the waste lands of the Crown in the Province of Auckland. Yet, "excepting as to jealousy, repugnance, and hostility, the Company never had any relations with the land or the people on the north side of the line, any more than if that portion of New Zealand had been a distant colony or a part of New South Wales;"* and it cannot, therefore, be a matter of surprise that the extension of this charge to the northern district of New Zealand, widely separated as it is from the field of the New Zealand Company's operations, and which has not at any time acknowledged any benefit from that body, or any advantage from any of their proceedings, should have been made the subject of urgent and repeated remonstrances by the Colonists of the north. The second Committee of the House of Representatives, to whom this particular branch of the subject was submitted for inquiry, reported their opinion that the Province of Auckland ought, in justice, to be immediately relieved from

* Report of the Committee of the House of Representatives on the New Zealand Company's debt (Auckland). Votes and proceedings, Sess. 1 & 2.

bearing any portion of the debt. And, with respect to the debt generally, Resolutions were agreed to by both Houses, to the effect that the charges on the land-fund of the Colony is an oppressive burden on its resources; that it appeared to have been created by Parliament in ignorance of the real facts, and to have been obtained by the New Zealand Company by means of the suppression of material circumstances; and that the Colony is entitled to obtain from Parliament a reconsideration of the case.

Despairing, however, of obtaining the active interference either of the Government or of Parliament, the Colonial Legislature ultimately authorised a compromise to be made; and it was agreed that the Colony should pay to the Company the sum of 200,000*l.* in full of all demands; and, in order to raise the amount, application was made to Parliament to guarantee a Loan to be raised by the Colony for the liquidation of the debt. "This proposed Loan," said Sir J. Trelawny, in the course of the debate, "is, in fact, nothing but hush-money, in order that all discussion about past transactions may be put an end to:" and the opinion appeared to prevail that as the Constitution Act of 1852 had confirmed the Act 10 & 11 Vict., c. 112, by which the debt was in the first instance admitted, Parliament was now precluded from again re-opening the case. "It has been my misfortune," said Sir James Graham, "to see the commencement of the proceedings connected with this subject, to watch them, and to resist them; but I do not think it expedient now to revive the discussion of

those proceedings. Much light was thrown upon the transactions to which I refer, in 1852, when the late Sir William Molesworth called the attention of the House to the subject, at considerable length and with great ability. The House then obtained from the Colonial Office detailed information with respect to the occurrences that had taken place; and although I do not think they will bear very close investigation, I cannot but regard the Act of 1852 as a "condonation of them": and, without re-opening the discussion, Parliament agreed to guarantee the Loan. The colonial creditor has been changed, the stipulated amount has been paid; and, so far as the New Zealand Company are concerned, the debt is now but a matter of curious history.

What system may ultimately be adopted by the New Zealand Legislature with reference to the disposal and management of the waste lands of the Colony can yet be hardly foreseen; but since they have been placed under the control of the Colonists themselves, it may safely be predicted that they will no longer be allowed to be made the field for the theoretical experiments of absentee proprietors. Taking a broad and general view of their proceedings, however, it must be accorded to the New Zealand Company that, but for their timely and zealous efforts, New Zealand might have been lost to the dominion of the British Crown; that they hastened the measures too tardily taken for its colonization; and that they colonized it at several points with some of the finest settlers who ever left the parent State. But allowing

to that body all the credit which may be due to them for having founded three Settlements in these islands, at no inconsiderable cost of energy, enterprise, capital, and suffering on the part of their Colonists, yet, viewed more narrowly and in detail, their proceedings are deserving of a less favourable judgment; and a record of those proceedings ought to be faithfully preserved, if for no other purpose than to point this moral for the guidance of posterity, that to be an "heroic work," colonization cannot safely be entrusted to a body of private, irresponsible, absentee proprietors. The New Zealand Company, however, will not have existed in vain, if our experience of their proceedings shall teach our countrymen the lesson which they have hitherto been but slow to learn,—that, consistently with the honour of the Crown, the character of the nation, the rights of aborigines, the interests of settlers, and the welfare of the Colony itself, the work of colonization can hardly be intrusted to a body of private individuals, associated together for the purpose of buying, selling, and making a profit by the sale of the waste lands of the Crown.

CHAPTER V.

NATIVE INSURRECTION.

HAVING neither money nor men—charged with the duty of governing a wild, semi-barbarous race, who, as a body, had not even professed submission to our rule — and responsible for the safety of several isolated English settlements, the local authorities were placed in a painful and anomalous position. Some time, however, elapsed after our authority had been formally proclaimed in New Zealand, before the natives had any conception of the consequences of ceding to us the Sovereignty of the country. Before we came into actual collision with them, the prestige of our power stood high, and they were disposed to regard the Government with respect; but from the want of firmness displayed by some of our countrymen on the occasion of our first unhappy conflict with them at the Wairau, they soon conceived a low estimate of our warlike prowess: and in their first conflict with our regular troops they were unfortunately victorious.

From time immemorial, land has been the principal cause of quarrel amongst them; and with their

independent spirit and sensitive jealousy as to their territorial rights, they soon began to regard with mistrust the introduction of British rule. Their territorial claims are not confined to the land they may have brought into actual cultivation, but they claim and exercise ownership over the whole surface of the country; and there is no part of it, however lonely, of which they do not know the owners. Forests in the wildest part of the country have their claimants. Land, apparently waste, is highly valued by them. Forests are preserved for birds; swamps and streams for eel-weirs and fisheries. Trees, rocks, and stones are used to define the well-known boundaries. Land is held by them, either by the whole tribe, or by some family of it, or sometimes by an individual member of a tribe. Over the uncultivated portions of territory held by a tribe in common, every individual member has the right of fishing and shooting. When any member of a tribe cultivates a portion of the common waste, he acquires an individual right to what he has subdued by his labour; and in case of a sale, he is recognised by the tribe as the sole proprietor. If undisposed of by sale, it generally descends from father to son. And even the power of disposing of land by will, orally expressed at the point of death, is recognised amongst them. "A certain man had a male child born to him: then another male child: and then a third male child. He also had daughters. At last the father of this family being at the point of death, the sons and daughters and all his relations assembled

to hear his last words, and to see him die. And the sons said to their father: 'Let thy mouth speak, O father, that we may hear your will, for you have not long to live.' Then the old man turned towards his younger brothers, and spoke thus: 'Hereafter, O my brothers, be kind to my children. My cultivations are for my sons. Such or such a piece of land is for such or such a nephew. My eel-weirs, my potato-gardens, my potatoes, my pigs, my male slaves, and my female, are all for my sons only. My wives are for my younger brother.' Such is the disposition of a man's property: it relates only to the male children. The custom as to the female children is not to give them any land; for their father bears in mind that they will not abide on the land. They may marry husbands belonging to another tribe, not at all connected with their parent's family; therefore no portion of land is given to them. Not so the male children: they stand fast always on the land." Such is the account given by an intelligent New Zealander, of the custom amongst them as to the disposal of landed property.

On the subject of their territorial rights, they are more sensitively jealous than ourselves, and always ready to defend them at all hazards. They have long been well supplied with fire-arms:* there is not

* Amongst the articles given to the natives by the New Zealand Company in the purchase of land, were 200 muskets, 16 single-barrelled guns, 6 double-barrelled guns, 15 fowling-pieces, 81 kegs of gunpowder, 2 casks of ball-cartridges, 4 kegs of lead slabs, 24 bullet-moulds, 11 quires of cartridge-paper, 200 cartouche-boxes, 1,500 flints, and 300 tomahawks.

In the year 1845, a measure was passed for restricting the sale of arms

a single man amongst them who is not familiar with the use of a musket; and warfare has been the business of their lives. Instead of wearing a conspicuous dress, and standing to be shot at like a target, they frequently when engaged in skirmishing disencumber themselves of every stitch of clothing—well contented to have strapped about their persons a plentiful supply of dry ball-cartridges. Thus unencumbered, they dodge about from cover to cover, skilfully availing themselves of every tuft and inequality in the ground, and move away the moment they have delivered their fire. From lengthened experience, they have become good tactitians: when opposed to us they can always choose their fighting ground, and invariably show great wisdom in the choice. They are independent of any regular commissariat, and can move rapidly from place to place, either across country or by paths where ordinary European troops would be unable to follow them; and when closely pressed, they have always a dense forest or some inaccessible fastness to fall back upon. The idea was formerly entertained that a single well-

and ammunition amongst the natives; but they are, nevertheless, liberally supplied with both. There are, of course, no means of ascertaining what quantity of powder, &c., is supplied to the natives clandestinely, and in contravention of the law; but according to a recent return made to the House of Representatives, it appears that in less than a year—between the 25th of June, 1857, and the 31st March, 1858—there were sold to the natives, under the authority of the law, 7,849 pounds of gunpowder, 311 double-barrelled guns, and 441 single-barrelled guns. This liberal policy is approved by a few, on the ground that it will enable the natives to maintain their ground against aggression: but when the Queen's troops are withdrawn from the colony, the policy will hardly be popular with the Colonists at large.

armed Englishman was sufficient to put to flight a horde of naked savages; but recent experience in New Zealand and at the Cape has done much to dispel this dangerous illusion; and it is now admitted that, on their own ground, the Maories—man for man—are fully a match even for disciplined English troops. In knowledge of the art of war, and in the planning of a regular campaign, they excel the North American Indians; and for irregular bush-fighting, they are better armed and equipped than the much drilled, tight-laced, belted British soldier.

The natives who were parties to the treaty of Waitangi, were by no means aware of the important consequences to themselves of ceding Sovereign authority to a foreign power; but the practical effect of the proceeding soon began to be experienced by them. As early as the year 1843, an attempt was made by a party of our countrymen in the south to gain forcible possession of their land. For some time previously, immigrants had been rapidly flocking into the country; and seeing their independence threatened, and fearing that when the European population became sufficiently powerful, the attempt would be made to ignore their title to the soil, some of the Northern tribes openly arrayed themselves against the Queen's authority.*

* "Legislative Council.—*Saturday, March* 15, 1845.

"Present—All the Members.

"The Council met pursuant to adjournment. The minutes of the last meeting were read and confirmed.

"His Excellency, before proceeding with the order of the day, read two letters received from Mr. Beckham, police magistrate at Russell,

By those who are unacquainted with the early history of the Colony, it has been thought remarkable that the first symptoms of disaffection should have been shown, and the first appeal to arms made, not by the heathen natives of the interior, but by natives who for years had lived within reach of missionary influence; who had attended Mission schools, and who had, many of them from youth, been members of Christian congregations. But no one acquainted with the character of the New Zealanders, and with the progress of events, can be surprised that feelings of dissatisfaction should have arisen in the minds of the natives settled in the north. When our countrymen first ventured to reside in New Zealand, it was in the character of the Christian Missionary—strong in his weakness—occupying a place in the land by the sufferance of the people—dependent on them for food and shelter, and protected by some well-disposed chief from violence and insult. At that time the New Zealand chief was

and Lieutenant Phillpotts, of Her Majesty's ship 'Hazard,' acting commander during the illness of Captain Robertson, relative to the attack made by the natives on that town, and invited the opinion of the Council on the subject. After a lengthened debate, the Attorney-General proposed the following resolution, which was unanimously adopted by the Council:—

"'That the Auckland barracks be immediately made impregnable against musketry, and secure as a place of refuge for the female inhabitants of the town; that the male population of the settlement be sworn in as special constables and efficiently armed, and that preparations be made that such armed force may be brought into active service at the shortest notice, under experienced and efficient leaders.'

"Council adjourned until 11 o'clock on Tuesday, the 18th March, 1845."

Thus stands recorded on the journals of the Colonial Legislature the commencement of the Native Insurrection.

the dispenser of benefits, and was looked up to as the protector and friend of the stranger. By and by came other men, humble settlers, suppliants all for leave to live in the land. After a time, from being tenant at will of his little homesteads, the stranger became, for some trifling payment, the purchaser and owner of it. Still, the native chief continued to be, in every sense, the lord of the soil; and was treated as such by those living under his protection. Shipping now began to frequent the harbours; the Bay of Islands, in particular, became the favourite place of resort for the whaling ships of all nations; and the natives found a new and ready market for their produce, and obtained in return the articles most esteemed amongst them—arms and ammunition, axes, blankets, and tobacco; and the exchange was carried on without let or hindrance. New settlers were attracted to the country, and became the purchasers of extensive tracts of land; and the early settlers gradually added to their original purchases; and in the year 1839, when it became known that the colonization of the country was about to be undertaken by the British Government, immigrants flocked in from the neighbouring colonies in considerable numbers, and for the most part to the Bay of Islands, all eager to buy land from the natives. Money was plentiful, trade with the natives increased rapidly, and a small English settlement sprang up on the beach at Kororarika.

The New Zealanders were now in the zenith of their power—independent of all other nations—the

uncontrolled masters of the country—and looked up to and conciliated by the strangers whom they had permitted to reside amongst them. Early in the year 1840, Captain Hobson arrived, in the character of British Consul, commissioned to treat with the chiefs for the cession to Her Majesty of the Sovereignty over the whole, or any part, of the country which they might be willing to place under the dominion of the British Crown. The Treaty of Waitangi, which formed the basis of his negotiations, provided that the chiefs should still continue to exercise their "chieftainship," with its incidents; the chiefs, on their part, giving to the Crown the exclusive right of pre-emption over such lands as they might be disposed to alienate. The terms made use of in the native language were such as would clearly convey to the natives who signed the treaty, the idea that their chieftainship, with whatever might be incident to it, was to remain unaltered; but the terms did not, and indeed could not, convey to them a distinct understanding of what we, on our part, understood and intended to be understood, by the language made use of to cede to the Crown of England *the Sovereignty* over the country; there being no word in the native language by which that term could clearly be expressed. Thus they had but a very imperfect knowledge of the force and effect of the terms of the agreement; and throughout the whole of the negotiations, it was held out to them by the agents of the Crown, that their cession of the Sovereignty would, at all events, be productive of signal and substantial advantages to themselves: indeed, the

only clear idea which they formed of the consequences of ceding to us the Sovereignty over the country was, that they should be the immediate gainers. If the consequences of that act had been fully understood by them—if they had been aware that in ceding the Sovereignty they gave to us the power to abrogate their own usages and customs, to destroy the power of their own chiefs, and to impose our own laws upon them—it may well be doubted whether a single chief of influence would have become a party to the Treaty of Waitangi. Those, however, who became parties to the treaty at once looked forward with eager expectation for the promised fruits; but they were doomed to speedy disappointment. Instead of receiving any immediate advantage from the change, the natives—especially those of the northern district, who were the first and principal parties to the treaty—found their condition suddenly, and in almost every respect, altered for the worse. For no sooner were the negotiations concluded, and the Queen's Sovereignty proclaimed in the north, than Captain Hobson, having now assumed the office of Lieutenant-Governor, removed his head-quarters from the Bay of Islands, and fixed the seat of government at Auckland, on the Frith of the Thames. This proceeding had the effect of withdrawing a large portion of the European population from the northern district; and the immediate consequence was the very reverse of that expected by the natives in the north, in becoming parties to the treaty. The influx of immigrants to the Bay of Islands immediately ceased; the greater part of those

who had originally settled there, while New Zealand was acknowledged as an independent State, followed the Lieutenant-Governor to the newly-chosen site of the Capital. The trade with the natives at the Bay gradually decreased; many of the whalers which had frequented the harbour ceased to do so, now that law and authority were established there, and Customs regulations brought into force. The free intercourse with the shipping which the natives had enjoyed while in their state of independence, was now restrained by Custom-house regulations; the prices of their favourite articles of consumption were increased by the duties now levied on imported goods. The natives themselves, too, were now no longer regarded by the settlers as the all-powerful chiefs of former times; but were sometimes addressed with curses, foul language, and abuse. A large portion of their land they now saw in the possession of strangers, greatly increased in value, while the consideration they had received in exchange for it had been long since expended. And, in consequence of the Treaty, they found they could no longer dispose of their land, as heretofore, to the European settlers; neither did the Crown become the purchaser of a single acre in that part of the country. So many unexpected results, following so closely upon the establishment of British authority, could scarcely fail to excite in the minds of the natives serious misgivings; and there were not wanting amongst the European settlers men mischievous enough, for the sake of gratifying their own disappointed hopes, to endeavour to stir up in the minds of the natives feelings of hatred and distrust of British rule. They

were told that, by and by, all their lands would be seized by the Government, and that they would themselves be made slaves; that New Zealand was not the first country which had been taken from its native inhabitants; that in other countries, as in New Zealand, our countrymen had first arrived in small numbers, with Missionaries amongst them, then in greater numbers, then a Governor and soldiers were sent, and at last, when we were sufficiently powerful, the natives were hunted like wild beasts and driven off their lands. Such being the circumstances under which New Zealand was colonized, it is not remarkable that Heki, the first to sign, should be the first to break the Treaty; and that after the lapse of a few years, some unruly spirits should have risen into rebellion against the authority of the Crown; but it is remarkable that the natives of the north did not immediately rise, to a man, to throw off what to them would naturally appear to be the baneful dominion of a treacherous foreign sway.

Nor were their jealous apprehensions altogether without foundation. The New Zealand Company had already urged the British Government to set aside the Treaty of Waitangi; and a Committee of the British Parliament—ignorant, probably, of the territorial rights of the natives, and of their power to defend them; ignorant also, it may be hoped, of the extent to which the honour of the Crown and of the nation had been pledged to them that their rights should be recognised and respected—agreed to a resolution that "means ought to be forthwith adopted for establishing the exclusive title of the Crown to

land not actually occupied and enjoyed by the natives;" overlooking the fact that in undertaking the colonization of the country the Government expressly disclaimed all intention to acquire any right to the soil in acquiring the Sovereignty, and especially instructed Captain Hobson "to obtain by fair and equal *contracts* with the natives such *waste* lands as may be progressively required for the occupation of settlers resorting to New Zealand."

But almost at the moment the Committee were urging the propriety of the measure, the natives were demonstrating its impracticability. When the two races first came into collision our countrymen were the aggressors; but the natives, emboldened by their success at the Wairau, and utterly disabused of the opinion they had previously entertained of our prowess, now boldly ventured to try their strength in the open field against our disciplined English troops. And as if to give a decisive illustration of the practical unsoundness of the theory that "the uncivilised inhabitants of any country have but a qualified dominion or a right of occupancy only," and as if practically to establish the opposite axiom, that the civilized inhabitants of a country can have but a qualified dominion over any other country, or a right of occupancy over so much of it only as they can take and keep by force of arms, the oldest settlement in the country, under the protection of a sloop of war and a small detachment of our troops, was openly attacked. Despite the efforts of the soldiers, seamen, and armed settlers, the royal flag-staff was cut down—the military block-

house was taken—the soldiers, seamen, and the whole population of the settlement abandoned it, and took refuge on board ship; and the habitations of the people, with scarcely an exception, were sacked, plundered, and destroyed; and, to increase our humiliation, the whole of this painful and disastrous scene was enacted within range of the silent guns, and in the unmoved presence of a foreign ship of war.

The destruction of Kororarika, and the threat of Heki to march his victorious forces to the south, spread alarm throughout the country. The northern district of the colony was declared by proclamation to be subject to martial law; and as soon as our troops were reinforced a series of military operations was undertaken, but with little effect in restoring the prestige of our power: instead of being put down, the disaffection spread from north to south. Hardly had our troops taken the field when they were three times attacked by the insurgents; and though they always gallantly repulsed them at the point of the bayonet, the officer in command had to report that the attempt made by the troops to carry Heki's fortified pah had failed, and that we "had been repulsed with heavy loss;" and that one-third of the men actually engaged had fallen in the attack. And when he again took the field with a force of more than 1,000 men (soldiers, seamen, and marines), together with an auxiliary body of several hundred native allies, he with difficulty gained possession of the fortified pah at Ruapekapeka, occupied by less than half the number of the attacking force. In the south, too, the settlers

were driven from the valley of the Hutt; in the town of Wellington the colonists were in arms for weeks together, keeping watch and ward in daily expectation of attack; at Whanganui, the out-settlers were driven in, houses in the settlement itself, and within gunshot of a strongly fortified military post, were plundered and destroyed; and the Queen's troops, during a period of several weeks, could only show themselves outside of their own stockade at the hazard of being shot.*

The loss sustained by the natives during the insurrectionary struggle was never correctly ascertained, but there is reason to believe that it was less considerable than our own. In their various encounters with the insurgents, the loss of our own troops, between March, 1845, and July, 1847, was 65 killed and 165 wounded. During the same period martial law was six times proclaimed; of the five natives executed under its authority, four were the murderers of an unoffending woman and her children: one unhappily was condemned to execution as a rebel; and the few who were transported under the authority of martial law, were soon afterwards sent back from Van Diemen's

* It was soon discovered that the presence of troops was but a most inadequate protection. "The troops certainly protect the pork-butchers of the town (Whanganui), and the drunken riff-raff, of which its inhabitants are principally composed; but the real settlers, who have cattle and land to attend to, cannot work under the guns of a stockade, and are therefore particularly exposed to any sudden attack, and cut off before assistance can reach them. To make them secure, nothing less would do than a sentry over every cow, and a sergeant's guard in attendance on each labourer, and even this is scarcely as much as some of them expect."—Powell's *Sketches in New Zealand.*

Land, and shortly set at liberty. A more unprovoked and cold-blooded murder than that for which the four natives suffered death was never committed, even in a civilized country; and as their guilt was clearly proved and afterwards confessed, there could be no hesitation as to what should be their fate, and they promptly met with the punishment they deserved.* But on another occasion, when some natives had been taken and tried as rebels by court-martial, the military authorities found themselves in an embarrassing position. An example had already been made, and a native had been put to death under martial law for rebellion against our authority; and, considering the circumstances under which our Sovereignty had been

* In order to involve the mission natives (who were always well disposed towards the Europeans) in a quarrel, and to make the latter think they had committed this murder, the murderers dropped different articles taken from the house along the road leading to their Pa, and then fled up the river. . . . Immediately the (mission) natives heard of the murder, *Hoani Wirimu* and the Putiki chiefs held a meeting; they resolved to capture the murderers, as the best way of proving their innocence of the crime. . . . Hoani Wirimu, taking several determined young men with him, set off without loss of time. . . . they paddled up the river, justly supposing they would hasten that way into the interior. . . . At last the murderers were perceived. The Putiki natives laid down in the canoe, lest being recognised, the object of their journey should be suspected. On coming alongside, they jumped up and seized them; a struggle ensued, and the canoe was capsized: they, however, retained their grasp, and secured five of the murderers, one having previously left their company. . . . They proceeded on their way, and safely delivered up their charge to the military; not having been more than twenty-four hours from the time of their starting during which they had paddled seventy miles. No time was lost in trying the prisoners by court-martial: the trial commenced on the 24th of April (the 25th was the Sabbath), and on the 26th they were condemned and executed, the boy only being spared, as it was proved that he did not assist in the barbarous deed; but he actually entreated to be hung with his companions.—Taylor's *New Zealand and its Inhabitants*.

acquired, and that the natives for the most part had not undertaken any special allegiance to the Crown, the Court were naturally unwilling to condemn them to an ignominious death; so, not knowing that the punishment could not be carried into effect, they sentenced them to transportation, and they were accordingly sent out of the country: but the authorities in Van Diemen's Land having no legal warrant to receive or detain them, they were soon afterwards returned to New Zealand, and restored to their friends. In this particular instance it is not improbable that several lives were saved in consequence of the ignorance of the military tribunal of the nature and extent of their powers: but it is to be regretted that no work of authority was ever published, showing the circumstances under which it is held justifiable to bring martial law into operation; by whom it may be proclaimed; how it is to be administered; and what are the powers and jurisdiction of those who carry it into effect. When the necessity for having recourse to martial law can be foreseen, it will no doubt be prudent to obtain legislative authority for establishing it. But the necessity for it commonly arises in emergencies, and the civil authorities have no alternative but to take upon themselves the great responsibility of setting aside the constitutional tribunals of the country, and of proclaiming the supremacy of martial law. It should always be remembered, however, by those who authorize its establishment, that as soon as the law of the land *can* act, every other mode of punishing offenders is in itself an enormous crime, and that

martial law ought not to be continued a moment longer than necessity requires: and by those who administer it, it should never be forgotten that for all their acts in carrying it into execution, an Act of Indemnity is afterwards required; that the granting of the necessary indemnity depends upon the legislature, and that indemnity will not be extended to acts of wanton violence or barbarous severity. It may be true, as observed by Lord Grey in his "Colonial Policy," that the Governors of distant Colonies in times of rebellion are placed in situations of so much difficulty and responsibility, that every generous mind will be disposed to put the best construction on their conduct, and to believe, until the contrary is clearly proved, that they have acted to the best of their judgment; but the necessity for suspending the law of the land is so generally called in question, and the conduct of all who act under the authority of martial law is always so critically canvassed and so vigilantly watched, that the servants of the Crown, both civil and military, can never contemplate the necessity for having recourse to so unconstitutional a proceeding without the utmost reluctance and the most grave consideration.*

* On the occasion of Lord Torrington's explanation in the House of Lords of his conduct as Governor of Ceylon, Lord Grey observed, speaking of martial law, "It is exactly in accordance with what I myself wrote to my noble friend Lord Torrington at the period of these transactions. I am sure that was not wrong in law, for I had the advice of Lord Cottenham, Lord Campbell, and the Attorney-General; and I explained to my noble friend that what is called proclaiming martial law is no law at all, but merely for the sake of public safety, in circumstances of great emergency, setting aside all law, and

For some time after our authority had been proclaimed in the country, the difficulty of carrying it into practical effect was not fully comprehended even by the Colonists themselves; and the anomalous position of the Local Government at that time, has hardly yet, by persons at a distance, been fully understood. With an inadequate military force, and an empty treasury; surrounded by powerful native tribes suddenly conscious of their strength, and responsible for the safety of several distant and isolated settlements; the local authorities were for some time left unaided, to contend as best they might with the difficulties of their perilous position. Governor FitzRoy, than whom no man has ever gone or ever will go out to New Zealand with a more ardent desire to benefit its native people, was hastily condemned and suddenly re-called; but as the difficulties he had to contend with have become known, Governor

acting under the military power,—a proceeding which required to be followed by an Act of Indemnity." And again, in his work on "Colonial Policy," he says,—"The proclamation of what is called martial law, in time of rebellion, confers no legal powers on the officers in command of the troops; it is really nothing more than a declaration that, in consequence of urgent danger, all law is for the time suspended, and that those officers will take upon themselves, without reference to the extent of their legal powers, to do what is necessary for the public safety. Thus, when Captain Laye, in New Zealand, caused the four men convicted by a court-martial of the murder of Mrs. Gilfillan and her children to be hanged in forty-eight hours; when Colonel Drought, and the officers acting under his orders, tried and executed the rebels in Ceylon—though by so doing I believe they only fulfilled their duty, and averted great misfortunes, still they did that which was unwarranted by any law, and which required to be subsequently covered by measures of legislation, passed to indemnify those who had acted under the proclamation of martial law."

FitzRoy's proceedings have since been more justly appreciated.*

Whether the proceedings taken by the Government for establishing our authority in New Zealand were the most judicious that could have been adopted is a point on which opinions may differ. It may even be good international law, according to the law of the strongest, and as maintained by the Parliamentary Committee, "that the uncivilized inhabitants of any country have but a qualified dominion, or a right of occupancy only." But seeing that, whether wisely or not, the acknowledgment of their right to the soil of the country had been repeatedly made to its native inhabitants; that the honour of the Crown and of the nation had repeatedly been pledged to them by the Queen's representative, by the officers of the New Zealand Government, and by various Missionaries and ministers of religion, that Great Britain would not, and did not intend to acquire territorial rights by the acquisition of the Sovereignty; seeing, too, that it was on the faith of these solemn assurances alone that the

* No attention was paid to the representations made by Governor FitzRoy as to the means required for vindicating our authority and for securing the safety of the settlers; but the startling intelligence which soon reached England proved these representations to be well founded; and adequate means were now placed at the disposal of his successor: and "it is to Governor Sir George Grey that New Zealand is mainly indebted for the happy alteration in its condition and prospects. Nothing but the singular ability and judgment displayed by him during the whole of his administration could have averted a war between the European and native inhabitants of these islands. . . . Such a struggle once commenced, could hardly have been closed except by an abandonment of the islands in disgrace—or the extermination of their aboriginal inhabitants."—Lord Grey's *Colonial Policy*.

New Zealanders were induced to cede to Great Britain the Sovereignty over their country, it is difficult to understand on what principle it was suggested that England should afterwards set up a claim on the part of the Crown to the whole of the unoccupied soil of New Zealand.* That a resolution recommending a measure questionable in theory, impracticable in execution, and involving a breach of honour and good faith, should have been agreed to by a Committee of the representatives of a nation boasting of its honour and integrity, presents a difficulty of which even charity itself seeks in vain for a solution. The fact that such a suggestion had been deliberately made by a Parliamentary Committee soon became known amongst the natives themselves, and the Missionaries who had taken an active part in urging the natives to place themselves under the dominion of the Crown were painfully compromised. At the instance of Governor Hobson they had been induced to lend their powerful aid in procuring the assent of the native chiefs to the treaty of Waitangi; and relying on the character of the nation, they solemnly and unhesitatingly pledged their own credit that the terms of the Treaty, in their plain and literal sense, would be faithfully observed: as may be readily imagined, the recommendation afterwards made to take possession on the part of the Crown of all the unoccupied

* If Captain Hobson had given the natives to understand that all lands not reclaimed by them were to belong to the Crown, the opposition he would have met with would probably have prevented New Zealand from being proclaimed a British Colony.—SHORTLAND'S *Traditions and Superstitions of the New Zealanders.*

land in the country, placed the Missionary body in a most embarrassing position; and nothing but their long and well-tried character could have saved them, in the eyes of the natives, from the suspicion of having been parties to a treacherous conspiracy to rob the Maories of their lands.

The attempted encroachments of the New Zealand Company, and the suggestions of the Parliamentary Committee, no doubt tended to awaken the jealousy of the native people; yet, so far as the local authorities were concerned, no occasion was ever given to the natives to lead them to doubt that their territorial rights, as guaranteed by the treaty of Waitangi, would be faithfully respected. Formidable as it was, the disaffection was by no means general; seeing, however, that an insignificant minority of the native population kept the country for upwards of two years in a constant state of disturbance—putting a stop to emigration, driving the settlers from their homesteads, and affording inadequate, harassing, and unprofitable occupation to Her Majesty's troops—it is not easy to exaggerate the catastrophe which would have followed any attempt on the part of those in authority to violate the treaty, and rob them of their lands. Happily, the errors of the Parliamentary Committee were neither shared in nor acted upon by the Minister of the Crown. Lord Stanley simply forwarded to the Government of New Zealand a copy of their proceedings, accompanied by an expression of his apprehension that their views, thus publicly put forward, might add to the difficulties of the

Governor's already embarrassing position. Nor was the apprehension without foundation, for a copy of the Parliamentary Report reached New Zealand at the moment when the insurrectionary disturbances first broke out in the northern part of the Colony; and the recommendation contained in it was communicated to the natives, already ripe for mischief, with an effect that may be readily imagined. If the attempt had been made to carry into effect the recommendation of the Parliamentary Committee of 1844, it would hardly have been recorded in 1853, that "actively engaged as are its inhabitants in productive industry—raising already a large excess of food, with a ready market close at hand for all their surplus produce—with no rivalry between the races but the pursuit of peaceful industry—with an improving revenue, and rapidly increasing trade, it may be doubted whether any portion of Her Majesty's subjects enjoy in more abundant measure the blessings of peace and plenty, or have before them a more certain prospect of a prosperous career." Fortunately, no attempt has ever been made to establish, without purchase, the title of the Crown to the waste lands of New Zealand. Cognizant of the extent to which the credit of the nation had been pledged to the natives, and not unmindful of the respect due to the obligations contracted by the Crown of England, the Local Government of New Zealand have uniformly acted on the instructions originally addressed to its first Governor, and have always been able to obtain, on reasonable terms, by fair and equal contract with

the natives, such waste lands as have been required for the occupation of the settlers resorting to the country. And our most gracious Sovereign, and her Majesty's representatives in New Zealand, have continued to enjoy the respect and confidence of the native race.*

* No menaces of military interference are likely to have any effect upon men who, from their childhood, have been accustomed to regard it as a point of honour to shed their last drop of blood for the inheritance of their tribe. And yet these very men, and others of their race, have already sold 30,000 acres in this settlement (New Plymouth) for tenpence an acre; a million of acres at Ahuriri for *a penny three farthings* an acre; the whole of the first Auckland territory for about *fourpence* an acre; and the whole of the Middle Island, south of the Kaikoura, for a *mite* per acre. Nothing is more easy than to extinguish the native title: nothing will be more difficult than to extinguish a native war.—Bishop of New Zealand's *Pastoral Letter*, August 30, 1855.

This land might have been wrested from the natives; but fighting, however successful, must have been attended with some deplorable result. The natives might have been driven off; but with their revengeful feelings thus excited, who, in a scattered agricultural community like this, was to ensure the remote settler against the attack of some marauding band? Certainly not the soldiers. *Peaceful purchase*, on the contrary, is attended with many excellent results.—Hursthouse's *New Zealand.*

CHAPTER VI.

THE NATIVE DIFFICULTY.

LONG before New Zealand was colonized, it was known that the natives were a powerful and warlike race; and in the preceding chapter some account has been given of the formidable opposition which but an insignificant minority of them were able to offer even to disciplined English troops; but, until they rose into open rebellion, it appears to have been thought that British authority might easily be established amongst them by moral influence alone; and Capt. Hobson's urgent solicitations that an adequate military force should be stationed in New Zealand were met on the part of her Majesty's Government by a positive refusal. It was not considered that a few individuals composing the staff of the civil government must be powerless to govern and control, not only our own countrymen, but nearly a hundred thousand of the most barbarous and warlike people on the face of the earth; and that a single act of injustice, or a single rash step on the part of the Colonists, would endanger the life and property of every British-born subject in New Zealand; so for several years the local authorities

were placed in an anomalous and humiliating position; and, from an imperfect appreciation of the difficulty of the undertaking, the attempt to colonize the country had nearly been followed by the most disastrous consequences. The natives were neither a conquered people, nor did a majority of them ever give an intelligent and unqualified submission to our rule; yet, the moment our Sovereignty was officially proclaimed, the whole of its inhabitants, native and European, at once became—in theory, at least—amenable to our laws; and, by our own countrymen, the local authorities were expected to carry the theory into execution. The settlers not only looked to the Local Government for protection from native aggression; but if an offence against the law of England was committed, even amongst the natives themselves, and in the interior of the country, the authorities were expected to apprehend and punish the offenders! and because native offenders went unpunished—because acts of cannibalism were committed, and native warfare was allowed to go on unchecked—the Local Government were reproached with culpable inefficiency, and the Queen's Sovereignty was described as a delusion and a snare!*

In seeking to govern and control a wild and barbarous people, impatient of restraint and accustomed every man to take the law into his own hands in a

* To the present moment, the native tribes are frequently in a state of active warfare: nor can native warfare be easily prevented. Under the old *régime*, the fault was laid at the door of the Government; but even with a popular constitution, and "responsible government," the executive are compelled to tolerate the evil.

rude and summary way, the principal difficulty is to induce them to have recourse to our own tribunals, and to yield obedience to their decisions. But when these tribunals are found to be unable to carry out their own awards, and when a judicial decision is frequently but an empty name, yielding no solid fruits, it is not easy to satisfy them that our mode of administering justice is practically superior to their own: and the local authorities were for several years powerless, both in civil and criminal proceedings, effectually to carry out the law. When we first undertook the colonization of the country, its trade was not confined to the settlers themselves; but for some time previously a considerable amount of commercial intercourse had been carried on between the two races. Nor were our dealings with the natives confined to the English settlements and the districts immediately around them, but were extended over the whole country: carried on partly by straggling settlers, by travelling traders, and by persons engaged in occupations in which native labour was found to be available; and many of the dealings between the two races took place in districts so remote from our settlements as to be practically beyond the operations of our courts of law: and the difficulty of administering justice between our own countrymen and the natives, in civil cases alone, soon became apparent. Before the establishment of British authority in the country, the contracts and engagements entered into between the two had, for the most part, been faithfully fulfilled. The English settler, living upon sufferance

amongst the natives, was bound to good behaviour: the native, valuing the advantage of trading with the Englishman, had also a direct interest in keeping faith in his transactions. But when the country became a British Colony, contracts made between the two races were less faithfully observed. Our Courts of Law, it is true, were open to all, without distinction of race; but what remedy was practically open to the New Zealander? He was unacquainted with our mode of procedure, living, it might be, at a distance of fifty miles from any of our settlements; unable probably to procure the attendance of witnesses, and without the means of paying the fees of Court. But assuming these difficulties to be overcome, and that the Maori complainant had recourse to our Courts of Law, and obtained a verdict in his favour; yet the English defendant, living in the bush, might be practically beyond the reach of law, for any useful purpose. His property, if he had any, could not be profitably brought to market from a distance, and converted into money under legal process; and to imprison the person of the debtor was small satisfaction to the successful native plaintiff. If, on the other hand, the Maori failed in the performance of his contract, what power had the Colonial tribunals to compel the native defendant even to appear? and even if the settler succeeded in gaining a verdict, what probability was there of the sheriff being able to levy from the native the amount of damages awarded by the Court? Instead of diminishing, also, the number of cases in dispute between the two races largely increased; for,

relying on the Government for redress, the natives, after British authority was proclaimed in the country, more readily than formerly entered into contracts with the settler; and, relying on the power of the Government for protection from personal violence, the settler was less careful than before in fulfilling his engagements.

The difficulty of carrying English Law into operation amongst the natives, so far as it arose from the technical character of our ordinary legal proceedings, was remedied by the appointment of magistrates empowered, by a law specially framed for the purpose, to arbitrate in a summary way between the two races, according to equity and good conscience, and without being bound by the technicalities of our ordinary legal tribunals; so that without cost, without legal knowledge or assistance, the complainant, whether native or European, might personally go before the magistrate, state his own case, and obtain a judgment in his favour. But the main difficulty still remained: it was easy for the magistrate to give his judgment, but how was he to enforce its execution? Assuming the decision to be against the native, by what means could he compel the payment of the damages awarded?

The efficient administration of our Criminal law presented a still more formidable difficulty. A very short experience of the independent character of the natives, and of the difficult nature of the country, soon proved to the local authorities the difficulty of preserving the peace of the country, or of securing the person and property of the English settler; and so powerless were the Government to afford protection

to the public, that aggression could be committed by the natives almost with impunity. The difficulty of seizing the offender, and the danger of punishing him, if he should happen to be a person of importance belonging to an important tribe, were the principal obstacles to the punishment of crime. To meet the difficulty and to avoid the danger, a temporary enactment was passed, providing that no native offender should be arrested except through the instrumentality of the chiefs of his tribe; and thus in cases when the chief arrested the offender, the danger was avoided: but the difficulty in most cases still remained, for the sum authorised by law to be paid to the chiefs, to secure their co-operation, was not sufficient to induce them to exert themselves in our favour; and the provisions of the law could not, of course, meet the case of the misconduct of the chiefs themselves.* Even as between the natives and the colonists, when a native was the offender, his countrymen were not always willing that he should be dealt with in accordance with our law. On one occasion, in the early history of the Colony, a native was put upon his trial for theft; a "protector of Aborigines" was present watching the proceedings, and counsel was employed by the Government for his defence. Upon the

* In 1851, a native was taken into custody in the streets of Auckland for theft. A scuffle ensued, and an innocent chief in the crowd was knocked down by a native policeman and lodged in gaol, but liberated in an hour. The insulted warrior flew to his tribe, and whirling his musket in the air, related in fiery words how he had been struck by "a low-born man" and unjustly imprisoned. Three hundred armed warriors landed at Auckland, and demanded that the native policeman who struck the chief, should be delivered into their hands.

clearest evidence, the jury convicted him, his own counsel was satisfied with the justice of the verdict, and he was immediately sentenced to a term of imprisonment. His native friends, however, who were present at the trial, were by no means satisfied that their countryman should be thus ignominiously punished; and before he could be removed from the dock—in the face of the sheriff and gaolers, in spite of the efforts of constables and turnkeys—up started his native friends, and, brandishing their tomahawks, rushed upon the prisoner and dragged him out of court. Thus, in the face of day—in the heart of the Capital of the Colony—was the majesty of the Law branded by the natives, and the administration of justice defeated by brute force.

When, indeed, a native committed an offence against a Colonist, it was generally admitted by them that he should be punished for the offence; but even amongst those who were most favourable to the establishment of British rule, a strong feeling was entertained against the degradation of imprisonment. They were willing to acquiesce in the Scripture rule, that he who stole should restore fourfold; but they were by no means willing to lend active aid in the apprehension of a thief, so long as he was subject to the degrading punishment of imprisonment;* and a law

* In 1849, a New Zealander, called Maroro, convicted of robbery, was confined four months in Wellington gaol. Three days after his release, in the gloomy workings of his mind, he got an axe, and at nightfall went to the house of Mr. Branks, near the Porirua Church, and killed him, his eldest son, aged nine years, his daughter, aged five years, and his youngest son, aged two years. He left the axe, clotted

was accordingly enacted that any person of the native race charged with the crime of theft who should plead guilty to the charge, might pay into court four times the value of the goods stolen, and immediately become entitled to his discharge. If the friends of the offender were unwilling that he should undergo the degradation of imprisonment, they assisted him to comply with the requirement of the law, in order to save him from indignity. If, on the other hand, he was a man of low degree, he was left to suffer the ordinary punishment of the offence. Thus, by adapting the law to the feelings of the native people, many offenders were allowed to be taken who would otherwise have set all law at defiance, and have altogether escaped unpunished. As it was also provided that the property stolen, or the value of it, should be restored to the owner, our own countrymen were not dissatisfied with the exceptional character of the law. To avoid the danger to the public peace, which would follow from rash attempts to apprehend offenders, the law still provides that, except within the limits of a town, no native shall be apprehended, or committed to gaol, except upon the warrant of an order of magistrates exclusively charged with that duty. In carrying out our English law in Civil cases,

with gore and hair, in the house, and returned to Wellington with a watch, money, and clothes belonging to Mr. Branks. The murderer's blood-stained blanket and trowsers led to his detection. When arrested, he confessed to murdering the family; stated he had never seen Branks before in his life; had no hatred to him; would have done the same to any man; and that no native or European knew anything about his intention of having *utu*, or payment, for his imprisonment. He was tried and sentenced to be hung.

between native and native, but little progress has yet been made. A number of chiefs, of authority and repute in their respective tribes, have been appointed assessors, and the resident magistrate and two of these assessors are authorised to hear and determine, by a simple and expeditious procedure, all complaints and disputes of a civil nature which the native parties may agree to submit to arbitration; but no proceedings can be taken by the Court to carry their judgment into effect, unless both the assessors and the magistrate shall concur in the practicability and expediency of carrying their decision into execution.

In the year 1846 the Colonial Government was authorized by Parliament to proclaim districts in which the natives might be allowed to continue in the exercise of their own laws and customs: but this power has never been carried into practice; the local authorities having hitherto steadily set themselves to obliterate, rather than to perpetuate, social and political differences between the two races, and by degrees to extend our own laws, or laws of our own making, to the native people, and to govern the country, as nearly as may be, without distinction of race. But to devise a system of special legislation suited to the circumstances of a new country, and adapted to the feelings and the prejudices, and calculated to ensure the obedience of a powerful, independent, and uncivilised native race, is a problem, the difficulty of which can be duly appreciated by those only who have been practically engaged

in attempting its solution.* But the efforts of the Government have not been altogether without success. An increasing desire is being shown by the natives for a more active and efficient power to control them in their relations with each other; and the movement may be taken as a hopeful sign that the day is not far distant when British authority in these islands, instead of being practically confined to the limits of our own settlements, will be recognised and respected throughout the Colony by the whole of the inhabitants.

With such a warlike race to deal with, it must no doubt appear strange, not only that the attempt was made to govern New Zealand without the aid of a military force, but that special care was directed to be taken, not for the safety of our countrymen, surrounded by a wild and barbarous people, but for the "protection" of the native race: but when the colonization of these islands was commenced, an uneasy consciousness of our former treatment of defenceless aboriginal races was beginning to pervade the public mind; and on the subject of English duties and of native rights, more humane and enlightened sentiments were beginning to prevail. Classing the New Zealanders in the common category of "natives," and not reflecting that from their numbers, their courage and physical strength, their savage prac-

* In the Session of 1858, measures were passed by the Assembly to extend the operation of English law amongst them, with a view to improve their social condition; and for the administration of justice amongst them by native juries and assessors. These measures are of an entirely experimental character, and their practical value remains to be tested.

tices and warlike habits, they must be a formidable race, sufficiently capable of taking care of themselves — the Local Government were directed to organize a special department for "protecting" the natives in their persons and property; and it was not until they had risen in rebellion in the north, and the English Settlement at Kororarika had been attacked and totally destroyed, that more than one hundred men were stationed in the country to maintain our supremacy; to afford protection to our settlements, and to vindicate the law: and, being hardly pressed for several years to maintain their own existence, the Local Government were for some time unable to undertake any measures of a permanent character for promoting the civilization of the native race. It soon became painfully evident, however, that the department, maintained at considerable expense for the *protection* of the natives, was unnecessary; and when our countrymen had been stripped, when their houses had been plundered, when their cattle had been stolen, and when their enclosures had been destroyed, it became a mockery, and would, if not speedily abolished, have proved fatally injurious to the cause it was to serve. To the Government, however, the so called "native protectors" were invaluable in the character of political agents, and they virtually became the protectors of the colonists themselves: they were employed in negotiating purchases of land from the natives— as interpreters in the Land Commissioners' Court— and sometimes as interpreters to Her Majesty's forces when engaged in the field—in conducting official cor-

respondence with the natives—in endeavouring to disabuse their minds of unfavourable impressions conveyed to them by disaffected people—in keeping the authorities informed of the sentiments and proceedings of the natives in the interior of the country—and generally in the performance of services of a purely political character; useful, and almost essential, to the executive Government of the Colony, but of no direct advantage to the natives themselves, for whom and at whose expense the department was maintained: and such a staff of officers, having a knowledge of the language and customs, the temper and feelings of the native race, will long be required as a special department for the management of native affairs. Instead, however, of being charged with the duty of taking the part of the natives against the settlers, they should be employed as friendly arbitrators between the two races: in smoothing differences, in facilitating transactions between them, by advice and assistance accessible to both, and given as readily to our own countrymen as to the natives themselves, and so as, if possible, to secure the confidence of both.

It soon became apparent, however, that in the usual acceptation of the term, the "protection" of the natives was unnecessary; that even the name of "native protector" was offensive to the Colonist, so that the maintenance of the "Protectorate" was calculated to create a bad feeling, rather than to promote friendly relations, between the two races; and that the cost of the department, if expended in the education and civilization of the natives, would be

productive of unmixed good to the Colony at large. And with a view of applying the funds to educational purposes, an ordinance was passed by the Colonial Legislature, providing that the funds applicable to native purposes should be expended in the establishment of schools for the instruction of the native people in the English language; for a course of industrial training in English usages and English arts, and in promoting their advancement in the scale of social and political existence. And as the Church of England, the Church of Rome, and the Wesleyan Missionary body, were already engaged in the work of native education—as all had schools already in operation, capable of extension and requiring aid—and as there existed amongst them an amount of zeal which no Government could purchase, and which no money could procure—it was decided, instead of attempting to establish new schools under the management of the Government, that aid should be afforded to the three religious bodies already engaged in the work: and during the administration of Governor Grey, an ordinance was passed authorizing the appropriation of a portion of the public funds for the encouragement of native education. By the Constitution Act, also, it was afterwards provided that a sum of 7,000*l.* a year should be appropriated to "native purposes;" and, seeing the uncertainty of funds being annually voted in promoting native education, under the provisions of the local ordinance, when the Government of the country should be carried on in accordance with the popular

will, Sir George Grey proposed that nearly the whole of that sum should be devoted to the consolidation and extension of the system of education prescribed by the Local Act; and which, after the experience of several years, has been found to be satisfactory and successful. The course pursued by Governor Grey was cordially accepted by the managers of native schools, and approved of by the Government at home, and has hitherto been attended with considerable success.*

The question is, no doubt, open to difference of opinion; but, on reviewing the measures taken for establishing British authority in New Zealand, it may be doubted whether it was not a mistaken policy to attempt its colonization without an overpowering military force. In dealing with an uncivilized people like the New Zealanders, it is of vital importance that authority should be supported by adequate power, and that not even "a corporal's guard" should be allowed to suffer a defeat. The small force first

* It has recently been proposed to alter the appropriation of the 7,000*l.* a year secured by the Constitution for native purposes; and instead of charging it with the maintenance of schools, to charge the native hospitals, resident magistrates, Maori newspaper, &c., upon it; and to pass an Act granting an equivalent amount, viz., 7,000*l.* a year, for seven years, expressly for promoting native education. "We intend to relieve it" (the 7,000*l.* secured by the Constitution) "of the charge of the native schools,—not, of course, to leave the schools unprovided for, for that would be an act, the worst, perhaps, and maddest that a Government of New Zealand could commit. . . . It is absurd to suppose that Government could substitute any agency for that of the present conductors, which would be one half so effective. Nothing the State could establish could be so good as the present management, when it is good."—*Speech of the Colonial Treasurer in Committee of Supply, June*, 1858.

stationed in these islands—insufficient, even if kept together, to be of real service—was broken up into small detachments, and at great disadvantage, and against superior numbers, was frequently allowed to be drawn into conflict with the insurgent natives; and not unfrequently with unsatisfactory results. The force was, in the first instance, insufficient to secure the safety of a single Settlement. The difficulty of affording protection to the Colonists was greatly increased, also, by the number of Settlements which had been planted in the country. Besides isolated families scattered over a hundred different parts of these islands, there were no less than five distinct Settlements, no two of which were within 100 miles of each other, and all of them within easy reach of a superior native force; and in consequence of this exposure of our weakness, the moral influence of the Government was all but totally destroyed. Before our weakness was discovered by the natives, every act of justice, consideration, and forbearance was ascribed by them to its proper cause; but when acts of vigour were called for, and when the power of the Local Government was seen to be so lamentably small, that, as against a mere handful of turbulent natives, the whole force at its command was insufficient to prevent the destruction of one of our Settlements, or to punish the aggressors, the native people scarcely concealed their belief that the conduct of the Government—just and considerate, as it appeared to be—was, in reality, the result of timidity or self-interest.

To be able to deal paternally with an uncivilized race, there must be no doubt as to who is the strongest: there should be no petty skirmishes, ending, not unfrequently, in disastrous results, and tending to a state of chronic irritation. The father must *not fight* with the child: his power should be too unmistakeably superior to require to be put in force. The power at command, especially if we would never bring it into action, should be, or appear to be, omnipotent; and if circumstances should compel us to have recourse to arms, it should be but once and for ever. The force employed should be irresistible; and the operation, at any cost, should be complete and crushing. For want of adequate power on the part of the local authorities, there was not only present danger to the Colonists, but future danger to the natives themselves. In bringing two races into contact under the circumstances of New Zealand, the great object to be aimed at is so to administer the government as to preserve a friendly feeling between them. The governing power should be not merely a government in name, but in fact and in deed; and it should be able to execute even-handed justice between the two races. No offence committed by one against the other will produce any deep or general ill-feeling, so long as the offenders on either side, without fear or favour, are promptly and impartially punished. For several years, however, the executive authorities in New Zealand had not the power of thus fairly carrying out the law between the two. They were able to do so, and they

did execute justice on the settlers; but they did not, and they could not, carry out the law against the offending native.' The aboriginal race is yet sufficiently numerous and powerful to maintain their ground against the English Colonists; but the time will assuredly come, and that, too, at no distant day, when they will form an insignificant minority: and whenever this shall be the case, it is equally certain that, if a state of permanent ill-feeling shall in the meantime have grown up between the two races, no power on earth can save the native inhabitants of these islands from ultimately becoming a persecuted people. If but half the force which became necessary for the safety of the country had been stationed in New Zealand from the outset; and if the cost of the other half had been employed throughout the same period in maintaining a schoolmaster in every native pah and village, charged with the instruction and with the moral and intellectual training of their native people, it may be too much to say that the peace of the Colony would never have been disturbed; but it is certainly not too much to say that the foundation would have been laid on which alone the permanent peace and prosperity of the Colony can ultimately be secured. Be this, however, as it may, it will be seen that a few of our countrymen in New Zealand have been engaged in an undertaking of no inconsiderable interest. To the Colonists themselves, occupied with the mere realities and the passing exigencies of their daily life, there may appear to be nothing remarkable in the work

of civilization which is going on around them: the very rapidity of its progress tends, in fact, in the view of the immediate spectator, to rob it of its interest. But, in some far distant age, when the "Present" of New Zealand shall have become time-honoured, and shall be dimmed in the antiquity of the "Past," it will, no doubt, be regarded as an historical fact of curious interest, that a little band of Englishmen, strong only in their weakness, were sent forth by the parent State to found a Colony in these islands, and to govern and control, not only their own countrymen, but a barbarous, well-armed, warlike native people, jealous of their liberties, and impatient of control. How fared these early founders —what were their hopes and fears—what their difficulties — and how were they surmounted? How gain even a footing in the land? and how maintain their ground? How was the armed barbarian made amenable to their laws? By what means were a powerful, independent people induced to yield even a semblance of obedience to an almost powerless foreign sway? These, and questions such as these, will then be matter of curious interest. And the "Past and Present" of New Zealand will, if faithfully recorded, be read by a remote posterity as a "strange eventful history."

CHAPTER VII.

NEW ZEALAND AS A FIELD OF EMIGRATION.

EXTENDING from north to south for upwards of eight hundred miles, and varying in breadth from fifteen to one hundred and fifty miles, the Islands of New Zealand comprise an area somewhat greater than that of the United Kingdom; and, being more generally indented with estuaries and deep bays, they have a sea-board exceeding considerably that of the Islands of Great Britain. Mountainous in their character, they are watered in every direction by fresh water rivers and streams: they are still partially covered with forests of valuable timber, and the open country, with its fern-clad hills and grassy plains, even in its natural state affords good pasturage for sheep and cattle. From noxious animals and venomous reptiles of every kind, the country is entirely free; its climate is famed for its mildness and salubrity; and the soil is suited to the growth of every description of English farm produce. In both the principal islands gold has already been discovered; and, though the mineral resources of the country have as yet been but very imperfectly developed, coal, copper ore, manganese,

iron-sand, and sulphur, have been found in abundance, in various localities.

Owing to the irregular shape of the islands, their snow-clad mountains, their forest ranges and extensive open plains, the climate of New Zealand is considerably modified by local influences; but, allowing for disturbing causes, the temperature becomes gradually colder from the North Cape to Stewart's Island; and the difference between the climate of Auckland and of Otago is as great as between that of the Isle of Wight and Aberdeen. Possessing numerous harbours and great facilities for inland navigation, and abounding with valuable timber, the Northern of the two principal islands, promises to be distinguished for its maritime and commercial importance; while the Southern, or, as it is sometimes called, the Middle island, from the extent of its open champaign country and the rich quality of its grassy plains, offers superior advantages for pastoral pursuits.

For several years the progress of colonization was seriously retarded by the precipitate proceedings of the New Zealand Company, and the first great impetus to the progress of the Colony, after the disputed claims to land had been adjusted, and British authority had been practically established, was the discovery of the Australian gold-fields: yet this event was for a while regarded with serious apprehension. The news which arrived by every mail of the prizes drawn by hundreds in the Australian gold-fields, naturally excited the minds of the settlers in New Zealand, and rendered them impatient until they had tried

their fortunes in the golden lottery; and for several months every vessel carried away numbers of the more adventurous and unsettled of the male population. As soon, however, as the first excitement had passed away, instead of fearing the effects of the recent gold discoveries, the settlers perceived a rapidly increasing market close at hand for all their surplus produce; and they were soon convinced that in New Zealand itself they had a certain means of transmuting the materials around them into gold, by supplying the market of the neighbouring colonies: and they have now for several years been in the enjoyment of uninterrupted prosperity. For some time, too, friendly relations have continued to subsist between the two races, and all classes have been in the enjoyment of material prosperity. The difficulties experienced by the early founders of the colony have long ceased to exist, and the great demand for every description of farm produce in the Australian colonies, has had the effect of demonstrating the agricultural capabilities of the country, and of stimulating the enterprise of the people: and as a field for the exertions of the industrious poor, New Zealand is probably without a rival. For those, however, who have already failed at home—for decayed tradesmen, for clerks and shopmen, for candidates for Government employment, for young men who have neither capital nor skill, and who are too proud or too weak to earn their bread by the sweat of their brow—New Zealand cannot be recommended as a field of emigra-

tion.* But for the stout agricultural labourer, for the industrious artizan, the domestic servant, the small hardworking farmer with a thrifty wife and stalwart sons and daughters—for every class of our countrymen who are able and willing to earn their daily bread by means of their daily labour, the country affords a congenial field on which an early independence may with certainty be earned.†

* The most melancholy spectacle of all, is to see among these "ne'er do weels," as one now and then does, men, who by birth and education ought to be gentlemen, not merely sunk to the condition of day-labourers, but even too enfeebled in mind and body, by a long course of intemperance, to be worth employing at any wages at all. . . . If you are ever consulted on this subject, do, I beseech you, warn parents and guardians not to send out vicious or half-witted youths to the colony, in the hope of their "turning over a new leaf" out here.—*Letters from Canterbury.* By R. B. PAUL, M.A.

† You ask me what sort of people ought to emigrate. I believe there are three classes who may do so advantageously:—the capitalist in money; the capitalist whose capital consists of the thews and sinews of three or four strong, grown-up sons, able and willing to work for him; and the capitalist whose stock in trade is a pair of strong arms and a contented spirit. Any one of these will do well: but a colony is no place for a poor gentleman, unless he can at once make up his mind to work his way upwards, like any other non-capitalist. . . . Nothing can be pleasanter than watching the steps by which the steady, sober working man thus mounts into the condition of a proprietor. . . . Whether a man starts as an agricultural labourer, a mechanic, a sawyer, or a shepherd, or a bullock-driver, it comes in the end almost to the same thing.—PAUL'S *Letters.*

It is amusing to see how surely settlers have advanced from small means to a competency,—agricultural labourers to be substantial farmers, —sailors and artisans to be merchants and men of substance. . . . The settler finds every day something to cheer him on; he sees his farm progress, and his prospects advance; everything he does improves his place; and as he gradually changes the wilderness into a comfortable home, he has the certain prospect of leaving a competency for his family.—TAYLOR'S *New Zealand.*

During the native disturbances, emigration to New Zealand almost entirely ceased; but the European population now amounts to nearly 50,000 souls, and is thus distributed amongst the several provinces:—

Province of Auckland	15,518*
„ New Plymouth †	2,488‡
„ Wellington	11,010*
„ Nelson	7,509‡
„ Canterbury	6,230*
„ Otago	3,796‡
Chatham Islands	64
	46,615

The ordinary revenue, exclusive of the proceeds of the sale of land, amounted, for the year ending June, 1857, to upwards of 120,000*l.*,§ and was contributed by the various provinces as follows:—

Auckland	£49,106
New Plymouth	5,014
Wellington	33,502
Nelson	11,410
Canterbury	15,854
Otago	8,149
Chatham Islands	51
	£123,086

Owing to an unusual demand for agricultural produce in the neighbouring colonies during the years 1854 and 1855, the exports from New Zealand during that period were greater than in

* Taken March 31, 1857.

† An Act was passed by the Assembly in the Session of 1858 for altering the name to Taranaki.

‡ Taken December 31, 1856.

§ For the year ending December, 1857, the Customs' revenue alone amounted to 131,000*l.*

1856; but in 1856 they amounted to upwards of 300,000*l.**:—

Auckland	£125,534	8	4
New Plymouth	3,868	18	0
Wellington	80,417	7	10
Nelson	29,775	10	0
Canterbury	47,831	3	4
Otago	25,737	6	9
Chatham Islands	5,268	10	0
	£318,433	4	3

For the year 1857 the exports amounted to upwards of 360,000*l.*

Ranged in the order of their importance, the principal articles of New Zealand exports are, wool, gold, grain and flour, timber, potatoes, kauri gum, and oil. When first colonized, it was hardly imagined that New Zealand would be a wool-growing country; but in 1856 the value of the wool exported (146,072*l.* 2*s.* 8*d.*) was nearly equal to that of all the other exports of the colony; and there is reason to believe that for the growth of wool New Zealand is by no means inferior to the neighbouring continent. In Australia, 2½ lbs. is the average yield of a sheep, while in New Zealand, a well-bred merino on a good run yields as much as four pounds of wool; and the feed in New Zealand being more uniformly good throughout the year, the fibre of New Zealand wool is more uniformly sound.

* The exports for 1857 and 1858 show a great increase on previous years. The increase is made up by the produce of the Nelson gold fields, and the rapidly increasing production of wool in the southern provinces.

The quantity of land in cultivation (1856), exclusive of native cultivations, was as follows :—

	Acres.
Province of Auckland	63,069½
„ New Plymouth	9,603
„ Wellington*	15,000
„ Nelson	13,869¾
„ Canterbury	8,006½
„ Otago	5,022
	£114,570¾

In the principal articles of food, New Zealand is not only independent of foreign imports, but it now contributes largely to the supply of the Australian markets; and in the year 1855, flour, grain, and potatoes, to the value of 180,000*l.* were exported to the neighbouring colonies.

	Grain, &c.	Potatoes.
From Auckland .	£61,194 2 6	£44,496 10 0
„ New Plymouth .	3,007 0 0	15,168 19 0
„ Wellington .	5,706 17 0	17,686 9 0
„ Nelson . .	4,070 0 0	3,666 0 0
„ Canterbury .	3,587 15 0	7,206 0 0
„ Otago . .	11,094 0 0	3,285 0 0
	£88,659 14 6	£91,508 18 0

The Colony is also rapidly becoming rich in live stock, and in 1856 there were in New Zealand, independently of the stock owned by the natives, nearly 10,000 horses, 100,000 head of cattle, and 1,000,000 sheep.

	Horses.	Cattle.	Sheep.
Auckland . . .	2,894	24,555	36,749
New Plymouth . .	329	2,525	13,148
Wellington . . .	2,000	20,000	250,000
Nelson . . .	1,637	13,893	285,100
Canterbury . . .	1,307	15,355	276,089
Otago	1,076	15,600	129,902
	9,243	91,928	990,988

* Estimate of the superintendent; but the particulars are not furnished for the whole province.

In addition to a very extensive coasting trade, upwards of three hundred vessels arrive yearly in the various ports of the Colony. In the year 1856, the number of ships entered at the several provinces was:—

Auckland	164
New Plymouth	10
Wellington	63
Nelson	30
Canterbury	15
Otago	37
	319

Of the six Provinces into which New Zealand has been divided, the Province of Auckland is the largest and most important. It comprises about two-thirds of the northern portion of the Northern Island, nearly a third of the European population, and more than half of the whole native race. It is distinguished also for the extent of its coast-line, the number of its harbours, and the facilities it affords for inland navigation; and probably no better proof can be given of its attractiveness as a field of emigration than the fact that while people from various parts of the neighbouring colonies were crowding to the gold-fields of Australia in the year 1852, the population of the Province of Auckland at the end of that year, exceeded by some hundreds the population of the province at the end of the year preceding; and it has since continued steadily to increase.

The population of the Province of Auckland in 1851 was 9,430; in 1855, 11,919; in 1857, 15,518.

Classed according to race there were:—English,

7,875; Irish, 4,332; Scotch, 2,500; Americans, Germans, French, &c., 811; total, 15,518: males, 8,621; females, 6,897. One-third of the number were born in the province, and 498 belong to the half-caste race.

Classed according to religious denomination, the population are returned as follows:—Church of England, 6,542; Roman Catholics, 3,448; Free Church of Scotland and other Presbyterians, 2,386; Wesleyan Methodist, 1,044; Protestants, 978; Independents, Baptists, &c., 1,120.

Two of the most valuable natural productions of New Zealand are peculiar to the Province of Auckland; neither kauri gum nor kauri spars being found to the south of its southern boundary. The value of New Zealand spars has long been known in England; but the report of the French Commission on the comparative strength of timbers of various kinds has recently made known abroad the superior quality—for ships' masts—of the New Zealand kauri pine, and cargoes of valuable spars are from time to time shipped from the northern ports.* But besides valuable timber, the kauri tree produces large quantities of resin or gum, which has recently become an established article of commerce, both in the English and American markets. It is used as a size

* Extraordinary Spars.—The "Prince of Wales" landed on Monday, at Portsmouth, for the use of the Government, two spars of kauri pine, of the most extraordinary proportions ever brought to this country: viz., 100 feet in length, and 34½ inches in diameter, without a knot! They will most likely become masts for the Queen's state yacht.—*Maritime Register, November*, 1856.

for glazing calico, as a substitute also for gum copal, and for other purposes not yet generally known. Its price in the English market has varied from 20*l.* to 50*l.* a ton. The natives, by whom it is collected, receive from the exporter 10*l.* or 12*l.* a ton. The amount shipped from the province varies considerably from year to year: the largest quantity (1,660 tons) was exported in the year 1854, the declared value in New Zealand being 28,000*l.* Besides timber and kauri gum, the principal articles of export from the Province of Auckland are grain, potatoes, copper ore, wool, and oil. In the course of two years after the discovery of the Australian Gold-fields, the exports from the province increased three-fold. With its numerous rivers and harbours, the Province of Auckland possesses great advantages for maritime pursuits; and more than a hundred vessels are registered as belonging to the port of Auckland alone, besides upwards of a hundred and fifty licensed small craft under fifteen tons. Seven or eight hundred vessels of all sizes, foreign and coast-wise, enter the port in the course of a year; and English and American whalers still continue in large numbers to resort to the northern ports.

The quantity of gold hitherto found in its natural place of deposit in the Province of Auckland, is little more than nominal; but never probably did any community enjoy a higher degree of pleasurable excitement than did the inhabitants of Auckland, for several weeks after it had been ascertained that gold had actually been discovered almost within sight of

their own doors: but the quantity of gold procured from the Coromandel Gold-field has been very inconsiderable.* The greatest number of persons engaged, at the same time, in prosecuting the search, never exceeded sixty or seventy. The labour required was found to be heavy, severe, and certain; the return, uncertain, and, at best, but moderate: and the search was soon afterwards almost entirely abandoned. In every other department of industry, labour has been well paid; and so long as this shall continue to be the case, and until some great prize shall have been drawn, few will risk their time and trouble in the search for gold. As yet, however, a very insignificant portion of the district has been even cursorily explored; in every direction, within the narrow limits in which the search has been made, gold has been discovered; the number of miners has been but small; the excavations have not generally exceeded a few feet in depth; not a single shaft has been sunk to the depth of thirty feet; and the bed-rock itself has never yet been bared: it were not a rash conjecture, therefore, that the richest deposits of the Coromandel gold-field remain to be discovered.†

* The value of the gold procured at Coromandel in the year 1852, amounted to about 1,000*l.*

† When divided amongst the whole number of persons collected on the ground, the yield from the Californian gold-fields appears to have been by no means considerable. "Mining, of any description, is more or less uncertain. . . . The miners spend a considerable portion of their time in prospecting, and frequently, in order to work a claim which may afford them a month's actual washing, have to spend as long a time in stripping off top-dirt, digging ditches, or performing other necessary labour to get their claim in working order: so that the daily

In the character of its population, the Province of Auckland at the outset differed materially from the Settlements founded by the New Zealand Company and the Canterbury Association, and it was for some time composed of individuals drawn together from various quarters without any community of interest or feeling, and with no intention of becoming permanent residents in the country. The "old settlers," chiefly from New South Wales, who found their way to New Zealand before it became a British colony, and a numerous body of Missionaries and their families, formed the nucleus of the northern population. The first considerable accession direct from Great Britain, was a body of emigrants sent out with free passages from Scotland. These were followed by a body consisting of several hundred pensioners and their families, who were located in the immediate neighbourhood of Auckland. A considerable portion of the land fund has also

amount of gold which a man may happen to be taking out, is not to be regarded, in itself, as the measure of his prosperity. He may take a large sum out of a claim, but may also have spent as much upon it before he began to wash; and half the days of the year he may get no gold at all. There were plenty of men who, after two years of hard work, were not a bit better off than when they commenced, having lost in working one claim what they had made in another, and having frittered away their time in prospecting and wandering about the country from one place to another, always imagining that there were better 'diggings' to be found than those they were in at the time. . . . The average amount of gold taken out at that time by men who really did work, was, I should think, not less than eight dollars; but the average daily yield of the mines to the actual population, was probably not more than three or four dollars per head: owing to the great number of 'loafers,' who did not work more than perhaps one day in the week."—Borthwick's *Three Years in California.*

recently been expended in giving "assisted passages" to persons having friends already in the country: several hundred discharged soldiers and several large bodies of practical settlers from Nova Scotia have also settled in the district, and of late years a considerable number of practical farmers—men of substance—and retired military officers have settled in the Province of Auckland, with the view of making it their home.

Having a genial soil, being well watered, and beautifully wooded, New Plymouth (the smallest of the provinces) has been fitly described as the "garden of New Zealand." "And no one," it has been said, "can speak of the soil or scenery of New Zealand till he has seen both the natural beauties and the ripening harvests of Taranaki." Its beautiful snow-peaked mountain, the ceaseless roaring of the surf, and the English appearance of the cultivated country, with its neatly thatched cottages and farm buildings, are the distinguishing features of the Settlement. Nearly the whole of the population (chiefly from Devon and Cornwall) are engaged in agricultural pursuits; and its chief exports are wool and farm produce. The disturbed state of the natives in the immediate neighbourhood, and the difficulty of obtaining land from them for the use of the English colonists, has no doubt materially impeded the progress of the settlement.* In some respects, too, the

* In a memorial to the General Assembly, from the Provincial Council of the province of New Plymouth, May, 1858, it is stated:—

"That the settlement of New Plymouth was founded in the beginning

want of a harbour is a considerable disadvantage: but accidents to shipping have hitherto been exceed-

of the year 1841 under the most favourable auspices: that it received by direct emigration from England more than 1,000 settlers, during the two first years of its existence: that during the last fifteen years it has continued to receive accessions of population from the mother country, and yet that the present inhabitants of the province, of European birth and descent, are fewer than 2,500, exclusive of the garrison.

"That the province contains, by estimation, 2,176,000 acres of land, 300,000 of which form a belt of the richest arable soil in the colony, extending along a coast line of 115 miles, and that the remainder, which is covered with a dense forest, is equally fertile, and contains but a small proportion of unavailable land.

"That of this comparatively large extent of valuable country, the European inhabitants occupy only 11,000 acres of open land and 32,000 acres of forest; while a district of 20,000 acres of surveyed forest land remains unsold, in the hands of the Provincial Government, on account of the outlay required to bring it into cultivation, the superiority of the unoccupied open land in its vicinity, and the insecure state of the province.

"That the native population of the province in the year 1856 appears, by a census taken by the Assistant Native Secretary, to have been only 1,782, and that this number has not since been increased.

"That the lands held by these 1,782 natives are estimated to comprise more than two millions of acres, one-seventh of which are immediately available for the plough, and the remainder are quite equal, in value and position, to the forest lands held by the settlers.

"That the natives, even when at peace with each other, are unable to occupy more than a very inconsiderable portion of the extensive country they inhabit. That they have no flocks of sheep, and their horses and cattle bear no proportion to the extent of country over which they range. . . .

"That, notwithstanding the deep regard which the settlers of Taranaki naturally feel for the beautiful and fertile region which they have improved and adorned, by the care and industry of many years, and their consequent disinclination to abandon it, a continual stream of emigration has, nevertheless, for some years past, carried away to other parts of the colony, and to Australia, a large number of people, who, had they been able to find room for their enterprise, would have remained to augment the resources of the province and the wealth of the colony.

"That the present settlers can no longer find within the province a field for future enterprise, and the employment of their increasing families, and that they cannot now seek new homes, in the other pro-

ingly rare; and means have always been found of exporting the surplus produce of the province.*

In the immediate neighbourhood of Wellington the country is hilly and broken; but for fertility of soil, the valley of the Hutt is hardly equalled by any part of New Zealand. Port Nicholson, too, is one of the most spacious and beautiful harbours in the country, and the neighbouring scenery is pretty and picturesque. Though the climate is windy and boisterous, yet in no part of New Zealand do the people look more robust and healthy than in the immediate neighbourhood of the town of Wellington. The western coast of the Province is well watered by the Manawatu, the Rangitiki, the Wanganui, and several smaller rivers running through extensive tracts of fertile country; and the grassy plains of Ahuriri and Wairarapa afford rich pasturage for sheep: indeed, wool has now for several years been the

vinces, without first abandoning the accumulated property of many years of toil. . . .

"That the difficulties under which both races are now labouring can only be removed by an entire change in the policy of the Government, which shall enforce law and order among the natives, and give support and aid to such of them as are willing to sell land. . . .

"That, in the opinion of your memorialists, no danger of a war between the Government and the natives need be apprehended from the prosecution of a vigorous policy, inasmuch as a large proportion of the natives themselves would cordially support it, and the remainder would, from the smallness of their number, be incapable of offering any effectual resistance."

* A drawback to the advancement of New Plymouth is the want of a harbour: the roadstead, however, is safe in moderate weather; and with the establishment of large boats, organized under the direction of a beach-master, vessels load and discharge cargo with facility and rapidity.—*New Zealand Pilot.*

principal export of the Province.* But in no part of the Colony have the early settlers had so many difficulties to contend with as in the Province of Wellington. Emigrating together in large numbers, having a common object and a common interest, and finding themselves involved for many years in a common difficulty, they were for some time banded together almost to a man; and they have always been distinguished for their political activity and public spirit. The Province, however, is now in a prosperous condition: yet, but for the timely assistance rendered by the Government some years ago in completing the New Zealand Company's purchases of land from the natives, but for the expenditure in the Settlement of large sums of money, supplied from year to year by the liberality of the British Parliament; but for the opening up of the distant pastoral and grazing districts by the construction of roads; and, more than all, but for the energy, the enterprise, the capital and the indomitable perseverance of the Colonists themselves, the "first and principal Settlement" of the New Zealand Company would hardly yet have risen above the condition of an insignificant village.

Before the discovery of an available Gold-field in Massacre Bay, the climate was the attractive feature of the Province of Nelson. Having both less wind and less rain, and a larger amount of steady settled

* The value of the exports of the province of Wellington for 1856 was 80,417*l*. The value of the wool exported amounted to 69,000*l*.; but the whole of the wool exported from the province was not produced in the province, a portion of it having been sent over from the province of Nelson for shipment.

weather, it has always been considered the most agreeable climate in New Zealand. Both coal and copper ore, as well as gold, have been discovered in the Province; but wool has hitherto been the great staple of its exports. It has always been celebrated for its breed of horses; and more attention has been paid by Nelson to the cultivation of English fruits than in any other district of New Zealand. The original scheme of the Settlement, however, was unfortunately formed without any reference to the character of the country where the experiment was to be tried, and for several years it had to pass through a trying ordeal; but when the plan was modified to meet the nature of the site, the settlers began to take root: and without any military expenditure or any other artificial means, and before the discovery of gold in Massacre Bay, the Province had made steady progress on a solid basis of prosperity. During the summer of 1858 as many as nearly fifteen hundred persons were collected on the Aorere Gold-field. In the year 1857 the estimated value of the gold exported from the Province amounted to 40,000*l.*; as yet, however, no rich prizes to compete with the Australian Gold-fields have been discovered at the Nelson diggings; but the value of the total yield, equally divided amongst those who have been engaged in the search, would pay good wages. For want of roads the diggings are difficult of access, the work is laborious, and the remuneration by no means certain; and in the winter season the employment, in consequence of rain and floods, is discouraging, and the

number of the diggers is considerably reduced: but the discovery has no doubt given a great stimulus to the progress of the Province; and during the last two years, its population, revenue, and exports have steadily increased.*

Extensive grassy plains, and mountain ranges covered with perpetual snow, are the distinguishing features of the Province of Canterbury. Seen from a commanding position, and softened in the distance by a soft blue haze, the Canterbury plains have all the appearance of the open sea. As regards soil, climate, and the natural features of the country, the province possesses great agricultural capabilities; but the settlers have hitherto confined their attention almost entirely to pastoral pursuits. Of the exports of the Province for the year 1856, amounting to 47,803*l.*, wool was the chief item, amounting in value to upwards of 42,000*l.*† It formed an essential

* Nelson Gold Fields—*Collingwood, May* 1*st.*—The diggings may be said to be going on extremely well, and there seems to have been a tendency of late, on the part of the diggers, to move upwards and into the interior, where heavier gold has been found. The parties working on the claims from Washbourne's Flat to the forks of the Slate River are nearly all doing well. The Island party, eleven in number, have done better than any other; one man assured me that they had got considerably more than 1,000 oz. from their claim; and they have been getting from 60 to 70 oz. per week amongst them of late. With such facts as these before them, one would imagine it to be almost impossible for the Government and public to ignore the existence of an available and paying gold field. As was observed by your contemporary, in his leader, the other day, the earnings of our diggers are quite equal to, if not above, the Australian average: which, I think, might easily be proved by the Customs' returns.—*Nelson Examiner*, May 8.

† The quantity of wool exported from the province of Canterbury has increased with wonderful rapidity. In 1854, 7,095*l.*; 1855, 20,586*l.*; 1856, 42,765*l.*

feature in the original scheme of the Canterbury Settlement, that the whole of the country lands should be sold at the rate of 3*l.* per acre, and only to members of the Church of England. The land was to be sold at this immoderately high price in order that the settlers might be furnished with an adequate supply of labour, and that due provision might be made for the religious and educational requirements of the settlement. It was not expected, however, even by the projectors themselves, that the whole of the territory—one million of acres—would be immediately disposed of; but, assuming "that two hundred thousand acres would be sold within the first year or two," they calculated that they would have funds at their disposal sufficient to build twenty churches, twenty schools, a college, and a residence for a bishop, and to provide for the maintenance of a bishop, twenty clergymen, and as many schoolmasters. The difficulties, however, which the settlers sent out by the New Zealand Company had to contend with, were by that time well-known in England; the misgivings which were then beginning to be entertained of the character of public joint-stock companies, and the high price demanded for the land, all operated unfavourably to the success of the undertaking; and, though rich in promise, and supported by the patronage of numerous noblemen, bishops, and dignitaries of the Church, the project failed to commend itself in any considerable degree to the confidence of the public, and instead of selling two hundred thousand acres of land within the first year or two, the

association disposed of little more than a tenth of that quantity. Their operations, however, were conducted with careful circumspection. Profiting by the warning of the New Zealand Company, the Canterbury Association bestowed due time and care in the selection of a suitable locality for the field of their operations; nor could they easily have found an available site better suited for their purpose than the harbour of Port Lyttelton and the Canterbury Plains: their settlers, too, were of a superior class, and the labouring population sent out by them was selected with unusual care; and although the Settlement may not yet have its twenty schools and twenty churches, yet, looking to the amount of the population, ample and permanent provision has been made for their educational and spiritual wants: indeed, possessing great natural advantages as a field for colonization, the Colony planted in these islands by the Canterbury Association presents the nucleus of a well-ordered, prosperous pastoral settlement—of the six Provinces, third in importance, and in the character of its population, second to none.

The climate of Otago is colder and more severe than that of Canterbury; but the Province is better watered and better wooded, and it has more harbours and a much more extensive sea-board than the neighbouring Province of Canterbury: it possesses, too, equal if not superior advantages for pastoral pursuits, and wool forms the chief article of its exports. The total value of the exports for the year 1856 amounted to 25,737*l.*, the value of the wool being nearly

20,000*l.* The population of the Province, for the most part Scotch, hardly for some time kept pace with some of the other Provinces:* nor as a "class" Settlement in connection with the Free Kirk of Scotland did it long retain its exclusive character; but in natural advantages the Province of the far South is superior to most of the Provinces of New Zealand.

As regards their climate, scenery, and the character of their natural advantages, however, the several Provinces differ considerably; and in some important particular each has probably some advantage over the rest: all, however, have made nearly equal progress in material prosperity; and to those who may be hesitating in their choice, it would be difficult to recommend any particular Province as offering decided advantages over the others as a field of emigration: the truth being, as remarked by Archdeacon Paul,† that "each has its advantages as well as its peculiarities, and no one but the emigrant himself can decide (and he only after personal inspection) which of these will suit him best. Wool-growing, the most important and probably the most profitable occupation in New Zealand, has hitherto been almost exclusively confined to the grassy plains and the natural pastures of the South; but with their recent experience of the uncertainty of the demand for agricultural produce in the neighbouring colonies, the settlers in the North are beginning to perceive that their ex-

* But during the years 1857-8, the population of Otago increased rapidly; and in June, 1858, it amounted to 5,816 souls.

† "Letter from Canterbury."

tensive enclosures, now laid down with English grasses, may be turned to a profitable account for the breeding of sheep and for the growth of wool. But as yet the Southern Settlements afford superior advantages for pastoral pursuits. It is no uncommon thing for persons engaged in other occupations to purchase sheep and place them in charge of the occupier of some extensive run, who, for feeding them, and for all the trouble and expense attending them, yearly receives a third of the wool and a third of the lambs: and many professional men, merchants, and Government officials, settled in the South, thus invest their spare capital, with safety and advantage. The Province of Auckland, on the other hand, is distinguished for the importance of its native trade, for the extent of its agricultural operations, and for the value and variety of its exports. Its coasting trade also exceeds that of all the other Provinces united, and it no doubt offers a much wider field than any of them for commercial and maritime pursuits. But emigration, with every advantage, and under the most favourable circumstances, is a serious undertaking:* especially to those in the middle and higher ranks of life.

* What has been said of the back-woods of our American provinces is equally true of the wilds of New Zealand. "The poor native (native colonist) should always go to the woods; the emigrant or *gentleman*, never: the one is a rough and ready man; he is at home with an axe, and is conversant as well with the privations and requirements, as with the expedients and shifts of forest life: his condition is ameliorated every year; and in his latter days he can afford to rest from his labours; whereas, if he buys what is called a half-improved farm, and is unable to pay for it at the time of the purchase, the mortgage is almost sure to ruin him at last. Now a man of means who retires to the country is

To those, indeed, who have independent and adequate means, there can now be no great hardship in having to reside either in Auckland or in any of the provincial towns of New Zealand; but the life of an actual settler in the bush is something widely different. All honour, indeed, to those who are engaged in warring with the wilderness, and who, with buoyant spirit and contented mind, steadily encounter to the end the stern realities of the struggle. But to leave home, country, and friends, to *seek* a fortune by subduing the wilderness in the solitude of the bush, is an undertaking which, by the middle and higher classes, should never be engaged in without urgent necessity and searching self-examination—an undertaking which is seldom duly appreciated until too late to be repented of, and for which few, indeed, are ever sufficiently prepared. Books without number, in which the truth is plainly told, may have been eagerly consulted and diligently read; but the imagination refuses to realise the stern realities of a settler's life: and the intending Colonist, especially if the thought of emigration has already become a fixed idea, sees all its difficulties and

wholly unfit for a pioneer, and should never attempt to become one: he should purchase a farm ready made to his hands, and then he has nothing to do but to cultivate and adorn it. . . . The native (colonist), again, is one of a class, and the most necessary one, too, in the country: the people sympathize with him, aid and encourage him. The emigrant gentleman belongs to no class, and wins no affection; he is kindly received and judiciously advised by people of his own standing, but he affects to consider their counsel obtrusive and their society a bore: he is therefore suffered to proceed his own way, which they all well know, as it has so often been travelled before, leads to ruin. They pity, but they can't assist him."—Sam Slick's *Nature and Human Nature.*

drawbacks through the rose-coloured medium of a sanguine mind. The settler in New Zealand, it is true, has neither frost and snow, nor the all-pervading forests of America to contend with, nor the destructive droughts, the hot winds, or the reptiles of Australia; but to emigrate, even to New Zealand, as a settler in the bush, is a step which ought not to be undertaken without special cause and grave consideration.

CHAPTER VIII.

THE CAPITAL OF NEW ZEALAND.

About one hundred and fifty miles from the North Cape, the Northern Island of New Zealand is almost intersected by two large estuaries, which indent the coast so deeply on either side that their waters are separated only by a narrow isthmus. Deep in the south-western extremity of the estuary of the Thames, and completely shut in by a group of small islands, is the land-locked harbour of the Waitemata. On the opposite or western coast, and separated from the Waitemata only by an isthmus some five miles in breadth, is the estuary of the Manukau; and the isthmus thus formed by the Waitemata and the Manukau was selected by Captain Hobson as the site for the Capital of New Zealand.

Completely land-locked, studded with islands of various size and form, its outline broken by numerous deep bays and jutting headlands, the harbour of Auckland (the Waitemata), without having the picturesque bold scenery of many of the harbours of New Zealand, presents the appearance of an English lake. The Flag-staff Hill and the North Head bound it on the north; over the low neck of

land which connects these mound-like hills, is seen the rugged volcanic island of Rangitato with its triple peaks; Waiheki and the neighbouring islands filling up the middle distance, and the distant range of the Coromandel Highlands forming the back-ground of the picture. The Waitemata is seen to the greatest advantage on one of those rare days when a perfect calm prevails; with a deep but soft blue sky, studded here and there with fields of snow-white silvery clouds seen through a glistening atmosphere: thus seen, under all the advantages of light, colouring, and repose, the harbour presents a scene of placid beauty which it would tax the imagination to surpass. On the shore on which the town is built, the water is shoal: its numerous bays, at low water, are left uncovered; and, except at flood tide, the landing is inconvenient. On this account the harbour of Auckland for several years enjoyed a bad pre-eminence; but the reproach has since been removed by the erection of a wooden jetty, which affords a convenient landing-place for boats, and a pier, some 1,400 feet in length, by means of which sea-going ships can now conveniently discharge their cargoes. Of the thousands of vessels of all sizes which have frequented the port since the Settlement was founded, not one has been totally wrecked within a distance of fifty miles; and, having breadth and depth enough to be accessible to the great "Leviathan," the harbour of Auckland has no equal in New Zealand: excepting perhaps the Bay of Islands. Not being liable to heavy squalls and sudden gusts of wind, it is well

adapted for boat sailing; canoes from all parts of the neighbouring gulf are continually arriving and departing; and with nearly 100 vessels from distant ports, upwards of 600 coasters, and nearly 2,000 canoes yearly entering the harbour, the once lone waters of the Waitemata now present a lively and business-like appearance.

Overlooking the town and the harbour, and commanding a view of the gulf of the Thames, with the "Great" and "Little Barrier" Islands in the far distance, and the nearer islands which give shelter to the Waitemata, the immediate neighbourhood of Auckland affords numerous pretty sites; and many of them are already occupied by neat-looking private houses. But the scenery for several miles around Auckland has little or no resemblance to the general character of the New Zealand landscape. It is almost entirely devoid of wood, open and undulating, dotted here and there with small volcanic hills of moundlike form, and intersected in all directions by the numerous branches of the Waitemata and the Manukau. The greater part of the isthmus is already in cultivation: not the stump of a tree has been left in the ground; and solid stone walls and hedges of white thorn and furze are generally taking the place of the temporary fences of posts and rails. In every direction may be seen grass and clover paddocks, as large, as rich, as well laid down, and as substantially fenced as any grass land in England; and the country around has all the appearance of a homelike English landscape. Already the town and

suburbs extend across the isthmus for upwards of a mile; the Settlement of Onehunga, on the other side, spreads itself inland for nearly an equal distance; the rest of the road is studded here and there with wayside houses; and at no distant day the opposite coasts of New Zealand will here be connected by one continued line of street.

To those who remember the settlement in its infancy, the appearance of the neighbourhood has already undergone a remarkable change. It is not many years since the main road leading out of Auckland was hardly passable, in the winter season, for the distance of a mile. In 1841 the land on the outskirts of the town was a morass overgrown with tall tea trees; beyond, again, for about a mile and a half, was a dense thicket, through which, to find the way, it was necessary to take the bearings of some of the loftier trees. The "delightful village of Epsom," as it was then described by the George Robins of the day, consisted of three tents; the land beyond, stretching across the isthmus, was a treeless open country, clothed with a sombre covering of brown fern. At that time Onehunga was unoccupied, save by the small remnant of a neighbouring native tribe; and the Bay of Manukau was a lone expanse of unfrequented water. But now the isthmus between Auckland and Onehunga is traversed from shore to shore by a well formed macadamized highway, equal to any piece of road in England. Leaving the boundary of the town, and ascending from Mechanics' Bay, the road is beginning to present the appearance of a street. On the left

hand side, on the summit of the rise, is an open space of level land, which, though not yet built upon, is not without interest to the prophetic eye — overlooking the town and harbour, and commanding an extensive view of the picturesque islands of the Waitemata, the Frith of the Thames, the long line of blue hills forming its eastern boundary, and of the islands northwards which give shelter to the gulf. By the provident foresight of Bishop Selwyn, this commanding position has been secured for the site of the metropolitan Cathedral of New Zealand. And at some remote period in the far distant future, when the projected cathedral shall have become a venerable pile, it will be a matter of no little interest to its then ministers (should the tradition be so long preserved) to read how in the *dark* or early ages of New Zealand, Anno Domini 1843, its Founder, the first Bishop of New Zealand, returning from a walking visitation of more than a thousand miles, attended by a faithful companion of a then, it may be, extinct race, the bearer of his gown and cossack, the only remaining articles of value he had left—his shoes worn out and tied to his instep by a leaf of native flax—travel worn, but not weary—once more found himself on this favoured spot, arrested for a moment by the noble prospect presented to his bodily eye, and cheered by the prophetic vision of a long line of successors, Bishops of New Zealand, traversing the same spot, better clad and less ragged than himself. Such a scene illustrative of "the Hour and the Man," in the hands of a true artist, would afford a fitting subject

for a painting to adorn the walls of the future chapter-house of St. ——.

About half a mile further from the town, a small suburban village has already sprung into existence; the whole of the country beyond, on both sides of the road, is now mapped out into a continuous line of green fields, grazed by numerous flocks and herds; and, here and there, in the summer time, thronged with busy haymakers, the air being fragrant with the perfume of flowering clover, or with the pleasant scent of new-made hay. The spacious harbour of the Manukau, no longer a dreary waste of waters, is enlivened by numerous canoes freighted with native produce from Waikati and Waipa; by rafts and barges conveying firewood and sawn timber from the neighbouring Kauri forests; and by cutters and small decked vessels plying between its opposite shores. Onehunga already gives promise of a busy trade, and has become the site of a thriving English settlement.

The characteristic feature of the district of Auckland is the great facility it affords for inland navigation. A few miles to the west of the town the harbour bends southwards until it reaches within little more than a mile, and about the same distance to the east until it reaches within less than half a mile of the harbour of Manukau. To the eastward again, some ten or twelve miles, is a river navigable for about fifteen miles by barges and canoes. A few miles still further to the eastward, taking a southerly direction, is the southern extremity of the gulf, bounded

by the plain or valley of the Thames. This plain, upwards of sixty miles in length, by about sixteen or twenty in breadth, is watered also throughout its whole extent by two winding rivers, the Thames and the Piako, which discharge themselves into the gulf at its southern extremity; both of them being navigable for barges or small steamers for a distance of fifty miles at least, and accessible from Auckland by canoes and open boats, in fine weather. And with its numerous harbours, estuaries, rivers, islands, forests, and rich agricultural plains, the Frith of the Thames itself comprises a commercial world in miniature.

At a distance not exceeding five or six miles from Auckland, on the other side of the isthmus, is the Bay of Manukau, whose southern channel stretches southwards to within a mile and a half of the head of a tributary of the Waikato; a river navigable for canoes for nearly one hundred miles, and which is joined about fifty miles from the sea by another river, the Waipa, navigable for barges and small steamers for nearly forty miles. The Delta, formed by these two rivers —one of the finest agricultural districts in New Zealand—has water communication with Auckland, with but two short interruptions. For several years the real value of the Manukau as a second harbour for Auckland was but imperfectly appreciated; but the recent survey completed by Captain Drury shows the existence of a channel of sufficient depth, at all times of the tide, for vessels of any size.* Possessing

* This discovery makes the position of Auckland the best for a port of any probably in this hemisphere.—*Melbourne Argus*, July 12, 1853.

so great a combination of natural advantages, it would certainly have been difficult to find throughout the whole of these islands any locality so well adapted for a large and prosperous Settlement.* There is, indeed, but one other such position in the world—the site of the city of Corinth: placed in the sheltered extremity of the Corinthian Gulf; built upon a narrow isthmus, where the Corinthian and Soronic Gulfs almost meet; having two harbours; occupying a position between two seas, and enjoying the facilities afforded by the isthmus for carring goods from sea to sea; it is not difficult to discover the origin of Corinth's early greatness. It may not be easy to convey a clear impression of the topography of the land-locked estuaries and harbour-locked shores of the capital of New Zealand; but seen from the summit of some neighbouring height, the value of its position is discovered at a glance. With a bird's-eye view of its two harbours lying before him, glittering in all the brightness of a genial summer's sun, who

* It is also remarkable that that clear-sighted and observing man (Captain Cook) recommended the spot which Auckland now occupies, as the most suitable locality for the capital. . . . Seated on a neck of land which projects into a land-locked harbour, it has a water frontage on both sides, and into this harbour the Thames empties itself by a gulf bearing its name, which gives access to that part of the interior: in fact, Auckland Harbour may be said to form the corner of an inland sea of about one hundred miles extent, opening up all the adjoining country, by numberless arms and creeks, to a secure trade with the capital. Nor is this the extent of its local advantages. Auckland stands on a neck of land which is only five miles across to the large harbour of Manukau on the western side, and from it there is the most direct and expeditious communication with the Cook's Straits Settlements, which are now regularly visited by a steamer.—Taylor's *New Zealand and its Inhabitants.*

would not echo the exclamation of the Bishop, "Look at the position of Auckland, and judge whether it may not justly be called the Corinth of the South."

Auckland itself is built upon the undulating ground forming the bays and headlands of the southern shore of the Waitemata. It already makes a considerable appearance, and, like most sea-port towns, is seen to most advantage from the harbour. Approaching the shore, Official Bay, with its neatly painted weather-boarded cottages, each snugly sheltered by the luxuriant shrubbery of its surrounding garden, looks pretty and picturesque; and with its wooden jetty stretching out for more than six hundred feet into the sea, Auckland, from this point of view, suggests a miniature resemblance to Ryde in the Isle of Wight. For picturesque effect the site of the town has been well chosen; but the inequalities of the ground are too great to be convenient for traffic: and a large proportion of the level land within its limits is occupied at present by the military barracks. With few exceptions, the streets are narrow; most of them as yet being but partially built upon. The shops, for the most part built of wood, are of every variety of colour, size, and style. Though they are generally small, some few of them would by no means disgrace provincial towns in England. The principal public buildings, churches, chapels, barracks, public offices, house of assembly, court-house, gaol, &c., almost without exception have been built without any regard to beauty or design. The most considerable public buildings are the military barracks, which have

accommodation for 1,000 men. Some of them, the hospital, magazine, and commissariat stores and offices, are built of scoria, a dark sombre-coloured stone, and in the usual barrack style of architecture —square, heavy looking, and unsightly. The rest of the buildings are of wood, also of a sombre colour, and in a style to match. Together with the parade ground, these military buildings occupy more than twenty acres of ground in the centre of the town, and the whole are surrounded by a strong scoria wall some twelve feet high, loopholed and with flanking angles. Commanded by a rising ground within a few hundred yards, and within view from ships in the harbour, and within range of their shot and shell, the site, in a military point of view, has not been judiciously chosen. And it is probable that the large portion of level ground now occupied by the military barracks will not long be taken from the site of a town having too generally a broken and uneven surface.

For want of an efficient system of local administration, the town is by no means in a satisfactory condition as regards the health, the safety, or the convenience of its inhabitants. By Charter and by legislative enactment, the citizens have again and again been incorporated for purposes of local self-government; but, for want of unity and public spirit, from a general indifference to the exercise of municipal powers, and from an "ignorant impatience" of even self-imposed "taxation," as yet without success. Measures of a sanatory character have been

neglected.* No provision has been made to prevent the crowding together of miserable hovels in close and confined back streets; noxious exhalations from a thousand stagnant cesspools are allowed to taint the air, and the city continues still unlighted, unwatered, and undrained. But, to those who remember the streets "before they were made"—when the infant Capital was built of reeds and rushes, when drays were abandoned for weeks together in the principal street, buried axle-deep in mire and clay, and when a native Warrè did duty for post-office and police-court for six days in the week, and a place of public worship on the seventh—even as it is, with its unformed streets, its small, box-like wooden houses, and its tasteless public buildings, Auckland must appear to have progressed with wonderful rapidity.

Hardly any of the natives live in the town, but numbers of them are constantly to be seen about the streets. From a great distance in every direction they are continually arriving with native produce for sale in the Auckland market, and until they have disposed of it they pitch their tents, or form a temporary encampment, gipsy-fashion, in some neighbouring bay, or in the outskirts of the town. Once or twice a year, the native chief Taraia and his tribe, from the eastern boundary of the Gulf, pay Auckland a visit in their fleet of forty sail of well-manned war canoes.

* "Auckland Mechanics' Institute; 'Sanatory Improvements.'—A Lecture on the above subject will be delivered in the Hall of the Institute, on Tuesday Evening, Dec. 1, 1857, at 8 o'clock."

When the "Hour and the Man" arrived, but six persons had assembled to hear the promised lecture.

Drawing them up in a line upon the beach, and with their masts and sails pitching a long line of various figured tents, they encamp themselves for several days. The neighbourhood of their camping-ground presents the appearance of a fair: pigs and potatoes, wheat, maize, melons, grapes, pumpkins, onions, flax, turkeys, geese, ducks, fowls, and firewood are exposed for sale in great abundance, and meet with a ready market. But the money they receive in payment does not leave the town: for several days the shops and stores are frequented by careful, curious, keen-eyed customers. Their "shopping" ended, they take their departure with the first fair wind, laden with spades, blankets, ironware, and clothing of various kinds; their fleet departing, homeward bound, in a body as it came. With the exception of petty pilfering, crime is rare amongst them: throughout the whole of the native disturbances, not a single angry shot was fired within a hundred miles of Auckland; and from the foundation of the Settlement, the two races have continued to appreciate the advantage to be derived from the presence of each other. Useful neighbours, good-humoured, ever ready to enjoy a joke, self-satisfied and contented, the presence of the natives, instead of being regarded as a drawback, has always given life and animation to the Northern Province, and rendered Auckland the great emporium of New Zealand.*

* I think it sufficient to point to the Province of Auckland, in which I nominally reside, where every merchant, and almost every settler, would be ready to admit that the Province owes its present wonderful prosperity to the peaceful union of the two races. One hundred and fifty coasting vessels bring native produce into the port of Auckland.

Almost everything necessary for comfort or convenience may now be procured in Auckland; but as a place of residence it is considerably more expensive than a provincial town in England. For the first two or three years, pork and potatoes were the staple articles of diet for all classes of the community; but the market is now abundantly supplied with beef and mutton of excellent quality at less than English prices. Poultry, too, thrive well, and have now become abundant; and English vegetables of all kinds are reared with little trouble. The shores of the harbour are overgrown with oysters; and fish of moderate quality is to be had at a moderate price: but house-rent and servants' wages are at least double what they are in England: articles of clothing, too, are dearer than at home; but there are no taxes in New Zealand, nor any rates or dues; and money can be safely invested on real security at the rate of 10*l.* per cent. One great drawback, however, to a young Colony, as a place of residence for ladies, is the difficulty of finding and keeping good servants; and to have to act as cook and housemaid, as well as to bear the nursery cares of a young family, is felt, by those

Five large rivers, navigated by innumerable canoes, bring down from the heart of the country the flour ground in more than twenty native water-mills. Fifty thousand natives draw their supplies of clothing, tobacco, and hardware from its stores, paying a large share of the indirect taxation of the country.—Bishop of New Zealand's *Pastoral Letter*, August 30, 1855.

The trade of Auckland is perfectly surprising; the number of small coasters, most of which belong to the natives, and are laden with their produce, cannot fail striking the stranger who visits the port with astonishment.—Taylor's *New Zealand*.

who have not been accustomed to the drudgery of domestic life, as a burden almost too grievous to be borne. But so far as the absolute necessaries of life are concerned, the whole community may be said to live well; those who have not or could not have animal food twice a day would think themselves ill off: a beggar would be looked upon as a curiosity; while those who may be reduced to distress by accident or sudden bereavement, meet with the prompt and effectual sympathy of their friends and neighbours—the people of Auckland being ever ready to aid in works of charity and benevolence.

In a social point of view, Auckland, in many respects, resembles an English watering-place. Most of the people occupy small and inconvenient houses, many of them being, and feeling themselves to be, but temporary residents in the country. Acquaintances are quickly formed, and again suddenly broken by separation: new settlers are from time to time arriving, many of them but soon to disappear and be buried in the bush. The military and their families, after being stationed for awhile in the town, are suddenly sent on detachment, or go home on leave, and are succeeded by strangers. There is much social intercourse—easy, familiar, and without restraint—but little formal or state visiting; little extravagance or vain ostentation, and none of the foolish and expensive rivalry once so ruinously common in some of our colonial possessions. There is but little of the staid formality which characterises the society of a sedate cathedral, or aristocratic, county-town: greater

freedom of manner and action—less uniformity and more originality. There being few old people, no body of landed gentry, and no old settled families of independent means, no generally recognised standard of public opinion has been established; hence society has not yet acquired a very decided tone; but, in a social point of view, though the population of the town and suburbs does not exceed six thousand, Auckland has never been inferior to the Capital towns of the Australian colonies. The officers connected with the various civil and military establishments, the neighbouring settlers, and the professional and mercantile men settled in the town, have always afforded sufficient materials for a very considerable society; and from the most primitive times, an agreeable social re-union might have always been met with in the infant Capital of New Zealand.

In their social and domestic phase, the smaller Settlements do not differ materially from the Capital. The most considerable difference is in the composition of society. In the provincial towns the Colonists themselves have always formed their social world: the Officers in the employment of the Government being but an insignificant minority; and in many of them no military force has at any time been stationed. But in Auckland, the Government officials have always been a numerous body: two battalions of Military Pensioners have long been located in the immediate neighbourhood; and for several years Auckland has been the head-quarters not only of a Regiment, but of establishments connected with the

brigade, commissariat, artillery, and engineer departments. For some time, however, few Colonists of social standing were settled in the neighbourhood; and so long as the Civil officers of the Government were the servants of the Crown, and independent of the public, the society was somewhat exclusively official. But the officials under a Representative Constitution and "Responsible Government," now no longer the servants of the Crown, but of that many-headed master the sovereign people, can hardly venture to gratify exclusive social tastes. Political supporters have to be considered, and opponents to be conciliated; and it is not probable that personal qualifications will long continue to be the sole passport to society: it is not difficult, indeed, already to discern "the beginning of the end." A little more attention to dress also, and somewhat more formality of manner, are observable in Auckland than in the other Settlements. There is little, indeed, in the dress of the people to remind a stranger that he is out of England. Black hats and dark cloth coats do not, as in warmer climates, altogether give place to cotton jackets and straw hats. Mouslin-de-laines sometimes do duty for silks and satins; but in other respects, ladies dress much the same in Auckland as in England: but being so far removed from the fountain-head, they are necessarily twelve months at least behind the fashion. A new-comer is still immediately recognised: an air of conscious superiority not unfrequently betrays itself in every look and gesture. But the new arrival is not long in finding his true level; for

in apprehension of character the people of New Zealand are marvellously clear-sighted—quick in detecting it, and just in its appreciation: no one can long pass for what he is not; and if not distinguished by some useful or agreeable quality, the new arrival soon finds his level in a modest insignificance; and many who, on landing, move confidently on with buoyant step and lofty mien, may soon be seen passing modestly along, undistinguished from the common crowd. As a general rule, however, strangers are well received: but a false step at starting is not easily recovered; and those who have not an assured position do well to provide themselves with a suitable introduction.

In so small a community there are, of course, but few amusements. Riding, boating, and fishing are, with gentlemen, the favourite recreations. Once a week during the summer months the regimental band plays for a couple of hours on the well-kept lawn in the Government grounds; and with the lovers of music, and with those who are fond of "seeing and being seen," "the Band" is a favourite lounge. Two or three balls in the course of the year; as many concerts; an occasional riding party, pic-nic, or water-party; fern-hunting; a ride to the Kauri forest; a trip to Waitiaki, to Waikato, or the Lakes of Rotorua; are among the few amusements of the Auckland fashionable world. Now and then a ship-of-war enters the port; and occasionally Auckland is visited by some company of travelling players, a conjuror, a family of acrobats, or a troop of travelling equestrians; while dissipation in the milder form of

temperance and tea meetings, school-feasts and lectures, suffices for the recreation of the younger portion of the community. Music has been cultivated for some time with great zeal and considerable success; and amongst the most popular of the public amusements are the periodical performances of the Choral Society. The members have already made marked progress; and strangers are frequently surprised with the precision and effect with which some of the most celebrated choruses are given at their public rehearsals. Gas and cabs are still unknown in the capital of New Zealand; and there are as yet but few facilities for evening visiting. In the mythical period of the Colony, when streets and roads existed but on paper, to attend a ball on a dark, wet night was literally the pursuit of dancing under difficulties; but in the worst weather its votaries were never daunted, the ladies gallantly wading through mire and water, their "twinkling feet" and "light, fantastic toes" encased in men's jack-boots—their would-be partners, for life or for the dance, being carried high and dry on the back of some friendly Maori. From the very earliest period of the Settlement the lovers of dancing have had an opportunity of gratifying their taste at a ball given by the Queen's Representative on the occasion of her Majesty's birthday. In what may be termed the dark ages of the colony, a piano played by the gracious hostess, with a violoncello accompaniment, vamped with all due gravity by the Queen's Attorney-General, formed the modest orchestra; yet a ball at Government House was then probably as

enjoyable and as much enjoyed as the Birthday ball of yesterday. But in point of magnitude and magnificence the State balls of New Zealand have kept even pace with the advancing prosperity of the country; and with its spacious saloon tastefully decorated with flowering native creepers, now thronged with at least three hundred guests—with its well-drilled military band, its numerous gay uniforms and brilliant bouquets, and with its "bright, particular star," "the observed of all observers"—the modern Birthday ball presents to the stranger a *coup d'œil* which rarely fails to take him by surprise.

To the sportsman, New Zealand offers little or no attraction: of hunting there is none; and pigeons, curlew, and wild duck afford the only sport for the gun. There is an annual Race meeting; but the province has never been celebrated for its breed of horses, and but little can be said in favour of the Auckland Races: however, a well contested Race between several well manned war canoes, usually to be seen at the Auckland Anniversary Regatta, is a sight, for interest and excitement, hardly to be exceeded by the "Derby" or the "Oaks."* But a native War-dance

* The large Canoe Race, at the regatta of 1857, is thus described by *The New Zealander*:—

"Fifth Race.—This was the Race for Waka Taua (war) canoes; and never, probably, in this or any other part of the world was there a more animated or energetic struggle. Three canoes, of nearly equal proportions, started: they were superbly decorated with feathers of the wood-pigeon, and were propelled by stalwart crews, numbering from 35 to 45 in each. Three prizes were offered (20*l*., 10*l*., and 5*l*.), in the event of five canoes competing. . . . At 11.57 A.M., being in line abeam of the flag-ship, a magnificent start was effected, and away they went at a killing pace—shouting and exciting each other, and keeping a neck

is the most curious sight to be witnessed in New Zealand: a sight, however, now rarely to be seen in the neighbourhood of our English settlements. A few of our countrywomen, on a memorable occasion several years ago, were unwittingly compelled to become spectators of a scene hardly to be equalled throughout the uncivilized world. A large gathering of natives having been assembled in the neighbourhood of Auckland, many of the towns-people, including a few ladies, desirous of witnessing the manners and customs of the natives, made holiday and walked out to pay a visit to the native camp. It was not then generally known that a Maori War-dance is an undress performance. A feather adorns the hair, a patch of red ochre the cheek, and a handsome tattooed scroll is frequently embossed upon the hip; but the mat and the blanket are usually cast aside as cumbersome superfluities. As soon as it

and neck position all the way to the flag off Freeman's Bay, which was rounded, at 12.5 P.M., so closely that a blanket might have covered them all. 'Pikiwahini,' the most powerful and numerously manned of the three, obtained and kept possession of a trifling lead; but great dexterity was evinced by 'Manatepa,' which, from a third, achieved the second place in rounding the flag. It was a truly splendid sight to follow and watch this race. The excitement and the exertions of the competitors were intense; and the efforts of the crew of the 'Manatepa' to recover the second place, which they had lost, were absolutely Herculean. The flag off Judge's Bay was rounded, at 12.20 P.M., by 'Pikiwahini'; in 15 seconds after by 'Tautarutu;' and in 30 seconds more by 'Manatepa;' and now thews and sinews were taxed to the utmost to overrun the tide and gain the flag-ship. It was at once grand and distressing to witness the unflagging and zealous efforts of 'Manatepa' to win upon 'Tautarutu:' she gained inch by inch; and though she could not diminish the distance betwixt her and 'Pikiwahini,' she did not suffer her stronger leader to increase it."

was announced that a War-dance was about to be performed, the space allotted for the purpose was immediately walled in by the eager and expectant bystanders; the ladies being politely accommodated with front places: closely hemmed in by their countrymen behind, their escape or retreat was impossible; and when some hundreds of the tattooed warriors, with frantic shrieks, wild gestures, and hideous grimaces, rushed yelling into the arena, the ladies evidently thought that a New Zealand War-dance was more honoured in the breach than in the observance.

With the ladies of Auckland the arrival of a "box" from England is an event which always excites the most lively interest. Let those who have a friend in New Zealand whose exile they would cheer by something more than a momentary pleasure, try the experiment, by sending her a box. What shall be its contents must depend upon the taste of the absent friend for whom it is intended. A little new music; good drawing paper and pencils; boots and shoes of good quality, well made and of fitting shape; ditto gloves; a "love of a bonnet;" the book of the season; a piece of *broderie* of the newest pattern; a stereoscopic likeness of a "second self" or valued friend; together with a few nick-nacks to complete the contents of the box, will never fail to secure for the gift a ready acceptance, and for the giver a grateful remembrance. But as English letters arrive but once a month, the incident of most general interest is the arrival of the Mail; and, from

the Governor downwards, the whole community are on the alert at the prospect of receiving intelligence from home. In the earlier period of the Colony, English letters were not unfrequently six, seven, and eight months old; but already they arrive in ninety days, and this will again be still further diminished by a Steam Postal route by way of Panama, which will have the effect of causing New Zealand to be no longer practically the most remote dependency of the Crown. Nor is it easy to over-estimate the advantage likely to accrue to Auckland by being thus brought into the line of speedy, frequent, and regular communication between Great Britain and the neighbouring Colonies. The distance from London will probably not exceed fifty days; and the voyage thus shortened, and varied by touching at some of the West India Islands, crossing the Isthmus of Panama, touching also at Tahiti, &c., will then be little more than a pleasure trip.

In earlier times, doubtless, when the settlers met to train to arms; when church windows were loop-holed and made musket-proof; when native pahs were assaulted, and when English settlements were swept away; there were, even in this remote corner of the earth, incidents enough of stirring excitement. But, happily, now all this is changed; and in so small a community there cannot, of course, be many events of great or general interest: yet, uninteresting as life in this uncivilised banishment may appear, the salubrity of the climate, the home-like appearance of the country, and the liberal character of its political institutions,

all tend to reconcile our countrymen to regard New Zealand as their home. And it may be doubted whether our countrywomen, after being accustomed to its social freedom, would gain much by exchanging it for the chilling atmosphere, and the chillier usages, of English fashionable life. For the mere idler, indeed, without occupation and without an object, a small colonial community can have but few attractions; but those who are occupied with the real business of life make no complaint of the dulness of existence: while those who have been advancing the outposts and acting as pioneers of civilisation—those who have been gallantly leading the all but forlorn hope of preserving and maintaining an aboriginal native race—or who have been actively engaged, whether in Church or State, in laying the foundations and rough-hewing the institutions of a future Empire, instead of lamenting that their lot had been cast in the stony places of a dark and distant land—appear rather, in its very remoteness, in the depth of its darkness, and in the rugged character of the country and its people, to have found in New Zealand its principal charm.

CHAPTER IX.

SCENERY AND BUSH-TRAVELLING.

Though they possess a considerable amount of beautiful scenery, the Islands of New Zealand can hardly be called picturesque; but in beauty of natural scenery, New Zealand will bear comparison with England in most of its principal features—mountain, river, coast, and harbour. There is nothing in England, for instance, to equal the snow-clad, silvery-peaked Mount Egmont, or the Alpine ranges of the Southern Island. The lower part of the Waikato River, the upper reaches of the Thames, the scenery about the narrow pass of the Manawatu, and the wild grandeur of the Whanganui, fully equal, in their natural beauty, any of the river scenery of England. The scenery of the coast, too, between Waikato and Mokou, and that of the Southern Island, in the neighbourhood of Milford Haven, will bear comparison with the finest views of the British coast; while Wangaroa, the Bay of Islands, Port Nicholson, Queen Charlotte's Sound, and Akaroa, are unequalled, in their natural features, by the harbours of Great Britain. But in lake scenery,

New Zealand must yield the palm. There are, indeed, some pretty, gem-like lakes in the district of Rotorua, but there is nothing in New Zealand to equal the lake scenery of Westmoreland and Cumberland; combining so exquisitely, as it does, the beauties of nature and art. It may be too much to say that the same degree of beauty will never be found in these islands; but in its natural, uncultivated state, New Zealand contains no such view as Grassmere, seen from Butter Crags or Loughrigg Fell, Rydal from Rydal Park, and the thousand beauties of Derwentwater, Barrowdale, and Langdale.

But the curious natural baths, and the boiling springs, of Rotomahana and Rotorua, and the scenery of Taupo, Tarawera, and the neighbouring lakes, will well repay the labour of a journey through the bush. Various in size and form, and lined with a frosted incrustation of delicate pink and white, these natural baths are filled with a constant supply of water of every degree of temperature, in colour of a pale sky-blue; and they are constantly overflowing a natural flight of terraces or steps by which they are approached. The lake of Rotomahana is itself one large, warm bath, having a temperature of about 80°; its margin being fringed, from night to morning, by numerous jets of snow-white steam, sent up from the boiling springs with which the neighbourhood abounds. But no one, it has been truly said, can speak of the soil or scenery of New Zealand till he has seen both the natural beauties and the ripening harvests of Taranaki. "When he has sat upon the deck of a vessel sailing to Taranaki, and

watched the play of light and shade upon the noble mountains and woods at its base, and far behind, in the centre of the island, the thin white wreath of streaming smoke which marks the volcano of Tongariro; and to the south, the sister mountain of Ruapehu covered with perpetual snow—then he may be qualified to speak of the scenery of this country."*

Though there is no game to afford exercise for the lovers of field sports; for the active and adventurous, a pedestrian excursion into the interior is an agreeable recreation: the mode of travelling is slow and laborious, and of a truly primitive simplicity; having doubtless few attractions for the matter-of-fact and for the effeminate; but for the lover of the picturesque possessing an indescribable charm. Horses and horse-tracks are now becoming common; but a few years ago a bush-journey in New Zealand was performed entirely on foot and by canoe: indeed, except in the neighbourhood of the English settlements, no regularly formed roads are yet to be found, and the greater part of the surface of the country remains in its natural state; but the numerous rivers, especially those of the Northern Island, afford, in almost every direction, a convenient highway. Nor is it easy to imagine any mode of travelling more agreeable than to glide through a picturesque country, in a mild and genial climate, in a well-manned, large canoe. From its great length (forty or fifty feet), the motion is delightfully smooth: you may read and write, and even sketch and ply the needle, without difficulty; you may sit or stand, or recline

* "Annals of the Diocese of New Zealand."

in any posture; and, seated on a bundle of springy fern, at the bottom of a large canoe, you would certainly not, for luxurious ease, willingly change places with any first-class railway traveller. But you must be in no hurry, and must be content to resign yourself to the wayward labours of your crew. For awhile a steady pace will be maintained; but soon the canoe will be allowed to float lazily away at the mercy of the current, until the most mercurial of the party again exercising his vigor, suddenly strikes up some native Waiala; when, joining in the song, and plying their paddles in faultless time and with great rapidity, the crew dash the canoe along amidst a torrent of foaming spray. Thus fitfully but pleasantly moving on, the traveller can scarcely fail to enjoy the placid beauty of a river journey in New Zealand.*

Nor is forest travelling without its charms: for luxurious ease, however, it will not bear a moment's comparison with a river journey. Unlike the open forest-lands of Australia, the New Zealand forests consist of a numerous variety of trees growing closely

* Canoes in New Zealand vary in length from six to sixty feet. They are divided into five classes:—The Kopapa, the Tiwai, the Teta, the Pitau, and the Waka-Taua or war canoe. The Kopapa, the smallest, is from six to eight feet in length, hollowed out of the trunk of a small tree. The Tiwai is equally simple in construction, but hollowed out of the stem of a large tree, and pointed at each end. The Teta is not so long as the Tiwai, but it has top sides, and is coloured with red ochre. The Pitau is somewhat larger than the Teta; constructed and coloured in the same manner; and it has, in addition, a figure-head and tall stern-post, both elaborately carved. The Waka Taua, or war-canoe, is like the Pitau; but larger being some sixty feet long, with six feet beam. The stern-post is much higher; and both the carved head and stern-post of the war canoe are richly decorated with a profusion of feathers.

together, the surface of the ground being thickly overgrown with brushwood, bound together by thorns and supple-jacks, forming an almost impenetrable jungle: yet the chief beauty of the forest in New Zealand is in its undergrowth, of which the Palm-tree, and the Tree-fern, the Karaka, and a variety of creepers and curious-shaped parasitical plants, are the principal ornaments. In the absence of an undergrowth of jungle or brushwood, the ground is generally covered with a carpeting of ferns and mosses in rich variety. Of the flowering timber-trees, the yellow Kowhai, the Pohutakana, the crimson-blossomed Rata, and the scarlet-flowering Tawhiwi are the most conspicuous. The Kahikatea is perhaps the loftiest of the forest-trees; but the lordly height of the Kauri, the massive grandeur of its stem, growing to a height of nearly one hundred feet without a branch, the quality of its timber, the quantity it produces, and the great variety of useful purposes to which it is applied, fairly give to the *Dammara Australis*, or Kauri pine, a claim to the title of the forest lord; while the stately height of the Rimu, its graceful elegance, and its many excellent qualities, as clearly entitle that beautiful ornament of the forest to be called the "queen of trees."

You may travel for a whole day in New Zealand and meet with but few wild flowers. And in the neighbourhood of the Settlements, where the woods have been destroyed, but little is to be seen or heard of the birds of New Zealand; nor are they remarkable either for their numbers, their plumage,

or their song: many of the settlers, who have been in the Colony for years, have scarcely heard the note of a single singing-bird. To them it will be a matter of surprise to learn that as many as fifteen different kinds of birds have been seen perched together upon the branch of a single tree, singing in wild harmony their early daylight song. The Tui, a small black bird, with a tuft of white, downy feathers hanging at its throat, and with a note fully equal in rich melody to that of the blackbird or the thrush, may be placed at the head of the singing-birds of New Zealand. But it was the Bell-birds in Queen Charlotte's Sound that so much delighted Capt. Cook, who has described the music of their song as being infinitely superior to anything he had ever heard, and as resembling small bells most exquisitely tuned. Yet in travelling through a New Zealand forest, a stranger is struck with its solemn silence; for it is on the edge rather than in the heart of the woods, and in the smaller groves, that the singing-birds delight to congregate. Few, however, even of those who have made a journey into the interior of the country, have had the good fortune to hear in perfection the daylight concert of the Bell-bird described by Captain Cook. To the naturalist and the fern-collector, however, a forest-journey will afford no common treat; but to the ordinary traveller, excepting for the sake of variety, or to escape the glare of the noon-day sun, a long journey through a New Zealand forest is rarely found agreeable. The native

foot-path is narrow and tortuous, often ill-defined, and frequently obstructed by the stems and branches of fallen trees. Under foot, the path is thickly matted with damp and slippery roots; while above his head, especially in wet weather, a shower-bath lurks in every bush, ready at a touch to drench the unwary traveller with a copious shower. The air, too, of the forest is generally close and oppressive; a solemn stillness reigns around, unbroken, save by the hoarse note of the Kaka, or by the heavy flapping of the pigeon on the wing, and rarely enlivened, except in the early morning, by the cheerful song of birds: and to emerge again into the glad sunshine, and to exchange the dark and sombre atmosphere of the woods for the bright canopy of heaven, is generally felt by the traveller to be a pleasant change.

For luxurious ease and rapidity of transit there is nothing to compare with railroad travelling; its well-padded carriages, its express trains, and its palatial hotels; but there is certainly a charm not easily described in the primitive simplicity of a Bush journey in New Zealand. The traveller's enjoyment, however, will greatly depend on the character of his native party; who, for the time being, become his familiar companions. Much also depends on the season chosen for the journey: rain and musquitoes being the principal causes of discomfort. The most settled weather is from the middle of December to the middle of March, but that is just the height of the season for musquitoes; but either the beginning of November or the middle of March may be taken

for the commencement of a journey in the bush. The climate being too uncertain for bivouacking in the open air, a tent, and, in the summer season, a musquito curtain, are almost indispensable. As he is liable to frequent wettings, the traveller's costume should be of woollen, and his change of clothes should be carefully secured in oiled cloth or water-proof. His larder generally consists of tea, sugar, biscuit, and bacon. As he has frequently little or nothing to cook, no very extensive cooking apparatus is necessary: a knife, fork, spoon, pannikin, tin plate, and kettle, form a sufficient yet not extravagant equipment. A supply of tobacco, too, the most current coin of the interior of the realm, should not be forgotten; and for river-travelling, in hot weather, a strong umbrella, to serve as an awning, will be found a great comfort. In the early days of the colony, a shilling a day each sufficed as payment for your travelling party; but, owing to the high rate of wages now earned by the natives, a Bush-journey in New Zealand has become a somewhat expensive recreation: for a traveller, however, who really intends to rough it in true bush fashion, three natives as baggage-bearers are a sufficient complement. Before starting, care should be taken to make them clearly understand the terms of the agreement; no part of the payment should be paid in advance, and the whole should expressly be made payable on the completion of the journey. It is rarely necessary to carry food for them, as they depend for their supplies on the hospitality of their

countrymen. But when expedition is an object, it is not desirable to stop at a pah, or a native settlement, as the hospitality of the people is sure to delay your travelling party, who can hardly be persuaded to turn their backs upon a "*hangi*," or native oven, in course of preparation. The rivers and woods abound with wild ducks and pigeons: and if the traveller's route follow the course of a river, it will be an advantage to carry a gun; but, otherwise, a gun is a useless burden. In traversing a large forest in the thinly-peopled plains of the interior, it is not always easy, however, to find food for a large travelling party; but in the inhabited parts of the country, a supply of food may generally be counted upon by the way, for it is a rare occurrence to travel for a whole day without coming to a native settlement. Now and then, too, a settler or a squatter may be met with, and here and there a Mission station. On these occasions, the traveller will commonly meet with a cordial welcome and hospitable entertainment.

To accomplish a fair day's work (say twenty miles) it is necessary to make an early start in the morning, to keep moving steadily forward, and not to loiter when stopping for a meal. With a load of thirty or forty pounds' weight upon their backs, the natives scarcely clear two and a half miles an hour; which is as much as can reasonably be expected, seeing that a large portion of the line of march lies through forest tracks matted with the slippery roots of trees, patches of undrained swamp, numerous streams of various depths, and over steep and broken headlands. It is

good economy of time, too, to breakfast before starting in the morning; to stop but for a single meal, and to avoid, as much as possible, resting at a native pah. Nothing, however, is gained by pushing on ahead of your native party; on the contrary, they are more likely to loiter behind: in all probability, discussing your own folly for being in so great a hurry. You may not improbably take the wrong path, or get so far in advance as to dishearten them; and it will be fortunate for you if you have not to sleep in the open air, without tent or blankets, and to go supperless to bed. After being caught once or twice in such a predicament, especially on a wet, squally night, you will abandon the forward movement, and content yourself by modestly bringing up the rear; satisfied of the wisdom of the bushman's motto—never to lose sight of the baggage and commissariat.

Of the numerous rivers of New Zealand, the Waikato is one of the finest: less wild and bold in the character of its scenery than the Whanganui, yet not without considerable picturesque beauty. Taking Auckland as a starting point, an excursion up the Waikato, or even an overland journey up the Waikato and down the Whanganui to Wellington, affords, at the proper season, an agreeable recreation. The banks of the river may be reached either by a ride of forty miles round by Papakura, heading the branches of the Manukau; or by crossing the Manukau harbour to Waihuku, and descending the Awaroa into the Waikato River. To be seen to advantage, the Waikato requires bright and genial weather:

its characteristic features are the numerous aits, or small islands, to be met with throughout its course. They are low and flat, and commonly of a long oval form; some of them having evidently been formed by the gradual accumulation of sand and pumicestone thrown up from the bed of the river by the shifting of the current; others again, by portions of the river's bank cut away by the gradual inroad of the stream. The smaller islands are devoid of wood, being overgrown with reeds, Raupo-tohitohi, and tall sedgy grass; while the larger islands are covered with clumps of the dark and stately Kahikatea, their borders fringed at the water's edge with the light and graceful Tohitohi. The most beautiful part of the river is the neighbourhood of Tuakau, fifteen or twenty miles from the sea: and, if he happen to encamp here for the night, the traveller can scarcely fail, in the calm of sunset or of early dawn, to be charmed with the quiet beauty of the scene.

A few years ago Tuakau was the site of a native settlement; and the land around, once densely timbered, has been cleared for native cultivations. Here may be seen a fair sample of the land of the northern banks of the lower part of the Waikato river. The natives are rarely mistaken, indeed, in their estimate of the capabilities of the soil; and the land rising somewhat steeply from the banks of the river will be found to be of excellent quality. It is broken and undulating throughout, but not too much so for cultivation by the plough. In every direction are warm hollows, affording snug sites for sheltered homesteads.

Landing here, and ascending to a small waterfall, about a mile from the water's edge, the traveller will have before him, in the wooded plain through which the Waikato takes its course, a prospect which may serve to remind him of the view from Richmond hill. And if a feast of white-bait have any attractions for him, he should certainly make a point of resting in the neighbourhood, either for dinner or for the night's encampment; for, in the spring and early summer season, shoals of these delicate-flavoured fish may generally be found swimming down the stream, and in the course of a few minutes a sufficient quantity may easily be taken with the help of a small net. Tied up in a dock-leaf, and put into the hot ashes of a wood fire for a few minutes, they will be found to be deliciously cooked in their own steam: dressed in this simple, native fashion, and seasoned with pepper and salt, they afford a delicate repast. Cooked in Lovegrove's best style, well dried in flour, fried for a few minutes in a pan of boiling lard, carefully drained, seasoned with cayenne, served up smoking hot, with a plentiful supply of brown bread and butter, moistened with the squeeze of a lemon, and followed by a glass of cold punch or iced champagne, a dish of Waikato white-bait would satisfy the palate of the most fastidious, and might well deserve to feast her Majesty's Ministers at their yearly white-bait dinner at Blackwall: and, doubtless, at no distant day, some future Lovegrove will be inviting the attention of the traveller and the tourist to the beautiful situation and excellent accommodation of the

New Zealand "Star and Garter," and to its white-bait dinners of established repute; while some rival Boniface will at the same time be extolling the superior advantages of the "Castle" or the "Crown."

About Tuakau, the English lake tourist will be reminded of the scenery of Rydal Water. Twenty miles higher up, the river expands into a broad, open, lake-like sheet of water, and flows through an extensive level plain, bounded on the east by a mountain range, which divides the plains of the Waikato and the Piako. As yet its numerous tributaries, and the lakes which commonly communicate with the river, have been rarely visited by the passing traveller. From the summit of Taupiri, on the eastern bank of the river, and about three miles below its junction with the Waipa, is to be seen one of the most extensive views in the northern district of New Zealand. The broad plains of the Thames, the Waikato, and the Waipa; the river Waikato itself, through a large part of its course, and many of its lakes and tributaries; the track of the Waipa in the distance, and here and there a peep of the river itself, are all distinctly visible; and in the far south, in clear weather, the snow-clad ranges also of Ruapehu and Tongoriro. A few miles above Taupiri, the Waikato is joined by the Waipa, which waters one of the finest agricultural districts in New Zealand. It is less picturesque than the Waikato, but narrower, deeper, and less rapid. For a distance of forty miles it would be navigable for barges and small river steamers. From the head of the Waipa, the head of the Whanganui may be

reached by an overland journey of three days, through patches of dense forest; and the descent of the river is, perhaps, the most exciting journey in New Zealand.

At certain seasons of the year, the navigation of the Whanganui is not unattended with danger, and should never be attempted without the assistance of natives acquainted with the state of the river, and practised in guiding a canoe through its rapids. The shooting of the rapids, however, relieves the monotony of the voyage, and now and then is quite as exciting as is agreeable. The danger arises not so much from the strength of the current, as from the rocks and snags which not unfrequently obstruct its course. The frantic cries and wild gestures of the steersman, the violent exertions of the crew, the pace of the canoe itself, the boiling of the water about its gunwale, and the roaring of the torrent, can scarcely fail to cause to the inexperienced voyager a momentary feeling of excitement. In two or three instances, when the rapids are unusually strong, the passengers are landed, while a few of the crew safely guide the light bark through the foaming torrent. The time required for making the descent depends upon the state of the river—liable at all seasons to be suddenly flooded, not only by the rains, but by the melting of the snow on the alpine ranges of Ruapehu and Tongoriro, where the Whanganui takes its rise. With a good crew, the downward voyage may be accomplished in three days; but to ascend the river from its mouth, ten days or a fortnight are required.

The general character of its scenery is wild and

picturesque; the upper part of the river runs for nearly a hundred miles through a continuous series of deep and winding ravines, flanked on either side by steep ridges, rising to a height of several hundred feet, and covered down to the water's edge with forest trees and brushwood of every variety of form and colour; the Tree-fern and the crimson blossom of the Rata adding not a little to the beauty of its woodland scenery. In the dry season, the Whanganui is somewhat shallow, and abounds with rapids; but for a distance of several hundred yards, at the head of every rapid, the river is as smooth as glass, reflecting its wooded banks as in a mirror. At frequent intervals, cascades of various heights pour their foaming waters into the stream below; and at break of day, the silence of the woods is broken by the song of a variety of birds. In the early morning, however, the scenery around is dark and gloomy; and until the banks of the river have been overtopped by the rising sun, masses of white fleecy mist lightly float about the tops and in the hollows of the hills. Not a patch of cultivation or a sign of habitation is to be seen: but here and there are small native settlements, perched on the summits of the heights, invisible to the traveller below; the only sign of occupation being a solitary canoe, moored here and there by the side of the stream, and the lower end of a rope-ladder descending from the cliff above. From the shallowness and the rapidity of the current, the rugged character of the surrounding country, and the precipitous face of both banks of the river, these small

settlements form a series of inaccessible fastnesses. On the lower part of the river, the character of the scenery undergoes a marked change: the banks are less steep, the country is more open; the population appears to be more numerous, and the native cultivations are more extensive.

Leaving the little town of Whanganui, and proceeding southward, the route along the coast for 70 or 80 miles is monotonous and uninteresting; but approaching Wellington, and leaving the coast—winding up a steep ascent, with a full view from the summit of the heights, of the open sea, of the Islands of Kapiti and Mana, and of the line of coast northwards as far as the eye can reach; then descending through the wooded gorges of the Horikiwi valley, its mountain streams spanned here and there by hanging bridges; then skirting along the shores of Porirua; again striking inland, over a richly-timbered broken country, relieved by distant glimpses of the deep blue sea; and finally descending full upon a second Windermere, the beautiful lake-like harbour of Port Nicholson—the road for the last thirty miles of the overland journey from Auckland to Wellington, not only presents a triumph of engineering skill, but for the varied beauty of its scenery can scarcely be surpassed.

With those who are fond of vigorous exercise, coast travelling will probably have the preference; and instead of going through the interior of the island, the journey from Auckland to Wellington may be made along the coast: nearly the whole distance (upwards of 400 miles) may be travelled within sight of the

sea. The whole line of route is rich in fine sea views, and in bold and picturesque coast scenery.* Travelling along the cliffs of the western coast, you will day after day have charming views of the open sea. Far as the eye can reach, you will see wave after wave, in close succession, slowly and majestically moving onwards; each, as it nears the shore, rearing still higher its arched and silvery crest, then with deafening roar dashing itself headlong on the beach, foaming, and fierce, and rolling on with fury, in the vain attempt to set at nought the Omnipotent decree which has placed the sand to be the bounds of the sea. And approaching Taranaki few sights can be more beautiful than Mount Egmont's† snowy peak, seen just before the dawn of day, slowly tinged with rosy light; the plain around still lost in gloom, like morning rising from the bed of night. And what can be more exhilirating and delightful to the vigorous pedestrian than to speed along a hard and sandy beach, exposed all

* I cannot think of any place but the coast of Devon—North and South—that could afford such beautiful and grand scenery for so many days continuously.—*Journal of a Walk from Auckland to Taranaki.* By the Ven. C. J. ABRAHAM.

† As we reached the top of the first hill, and saw our destination before us, 100 miles off,—the snow pyramid of Mount Egmont, overhanging Taranaki, and rising 8,000 feet above the sea, greeted our eyes, sparkling in the sun, and seemed to lighten the hearts of our Maori lads, when, for the first time, they saw the glorious monarch of New Zealand mountains. It reminded me very much of my first impressions on seeing Mont Blanc, twenty years ago, from Geneva. Not that this has any avalanches for his sceptre; but at this time of year the snow comes two-thirds of the way down his sides, and the "eternal sunshine settles on his head," as seen in the distance; while the necklace of clouds float half-way, and when you are on the spot very often shut out the view.—*Ibid.*

day to a brisk sea-breeze; now clambering up some steep and rugged cliff, now racing round some jutting headland to save the coming tide, and encamping for the night within sound of a thundering surf.

Nor is any part of a bush journey more agreeable than the night encampment: but to travel comfortably, care should be taken to encamp before sunset; for darkness is by no means favourable to the settling snugly for the night. The chief requisites for the encampment are wood, water, and a dry level piece of ground, free from hills and hollows. As soon as a halt is called, and while the tent is being pitched, bundles of fern are gathered to serve as bedding, and a heap of dry wood having been collected, a blazing fire is quickly lighted, the kettle is filled from the nearest brook, and soon the traveller is in all the enjoyment of his evening meal—a pannikin of scalding tea with a baked potato or a biscuit; and almost as quickly the Maories have before them a goodly heap of smoking baked potatoes, seasoned occasionally with a piece of pork or a bundle of dried eels. Frequently the camp is pitched on the outskirts of a forest, or close by a pebbly beach in some sheltered little bay; and with the Λ shaped tents, the travellers in their bush costume, and the swarthy natives still more fantastically attired, all grouped in careless attitudes around a blazing fire, the travellers' encampment not unfrequently presents a study for a painter.

As there is no time to stop during the day for any elaborate cooking operations, the acting cook now commences his preparations for the morrow. If there

be two or three wild ducks or pigeons in the larder, he puts them in an iron pot to simmer by the fire; from time to time, perhaps, adding the remains of a ham-bone or a piece of bacon, a handful of flour, and after awhile a bunch of wild cabbage, a few onions, and potatoes. The stew is left to simmer throughout the night, and the cauldron and its contents are easily carried at the bottom of a canoe. Warmed up the following day at noon, flavoured with a sprig of mint or thyme, well seasoned with pepper and salt, and eaten with hunger sauce, you have a dinner that an epicure might envy. The labours of the day being ended, the traveller and his Maori companions now sit round the fire, and, on terms of perfect equality, laugh, joke, and poke fun at one another with great zest and imperturbable good humour. If ladies be of the party (and if of the right stamp they add not a little to the pleasure of a bush excursion), fern-hunting is probably one of their pursuits, and the spoils of the morning are now carefully spread out between the folds of the blotting-book; the events of the day are talked over; and fanciful names, suggested by some trifling incident, are given to the various halting-places. Instead of being addressed as "Mrs." or "Miss," the ladies will probably, but without any disrespect, be addressed by their Maori companions as "Eliza," "Emma," "Caroline," or "Jane," as the case may be; and some humorous *sobriquet* is speedily found for any oddity of the party, whether native or European. Stories are told; native games and customs are explained; and an English catch or glee is

returned by a native Waiala; and thus the evening whiles pleasantly away. If it happen to be moonlight, a walk amongst the palms and tree-ferns of some neighbouring grove, or a stroll upon the sands, burnished with the brightness of a brilliant harvest-moon, may form an enjoyable termination to the labours of the day. Having to start betimes in the morning, the party retire early to rest; and the natives, rolling themselves up from head to foot in their blankets, stretch themselves around the fire, while the traveller retires to his lair, and on a well-made bed of fern he may count on undisturbed repose. A very few musquitoes, however, are enough to banish sleep; and the traveller must be prepared to find that this gipsy mode of life is not without its drawbacks. But thus to spend the evening, and to awake at early dawn, listening, it may be with bated breath in charmed surprise, to a chorus of sweet sounds (too sweet almost for earthly melody), are incidents in New Zealand travel which compensate abundantly for the hardships of the bush.

But a journey in New Zealand may now be accomplished with much more ease than formerly. Houses for the accommodation of travellers are gradually extending themselves beyond the limits of the English Settlements; horses, too, may now be found amongst the natives in all parts of the country. As the Colonists spread themselves with their flocks and herds, new and improved lines of communication are from time to time discovered; and the present primitive style of travelling will doubtless ere long become a

matter of history. It is not many years ago, however, that rapid and river, forest and morass, were not the only obstacles to be met with in a journey through New Zealand; and, though now perhaps nearly obsolete, the traveller may even yet perchance become practically acquainted with a native custom once prevalent throughout New Zealand.

Some years after our sovereignty had been theoretically established in these islands, a gentleman holding a high official position in the Colony started on a pedestrian excursion from Auckland to New Plymouth, accompanied by three native baggage bearers. For some time previously, the road between Mokou and New Plymouth for a distance of about 50 miles had been Tapued * by a powerful neighbouring chief. Though warned as he went along that the Tapu was strictly maintained and that he would probably be stopped by the way, the traveller continued to proceed on the chance of being allowed to pass. After having walked about 150 miles, he came to the commencement of the forbidden ground; and meeting with nothing to arrest his progress, he entered upon the tapued road, and having proceeded ten or a dozen miles, began to entertain a confident hope that he should be able to reach his journey's end. Having arrived at a temporary native settlement* on the beach, about the time of high water, he called a halt, in order to wait until the tide should have ebbed so far as to allow of his proceeding. He was civilly supplied by the natives of the settlement with firewood and water

* See chapter 1—Tapu. * Tongaporutu.

to cook his midday meal, and nothing was said by them on the subject of the Tapu. But his entertainers had quietly despatched a messenger to the guardian of this particular portion of the tapued road, to inform him of the presence of a trespasser. The meal being finished, and the tide having ebbed, the word was given to proceed; and the party, having resumed their loads, were just upon the point of starting, when the faithful guardian of the road—a black-bearded, ill-favoured, repulsive-looking fellow—suddenly made his appearance in a state of furious rage.* Throwing off his blanket, slapping his tattooed thighs, flourishing his tomahawk, and dancing about like an enraged tiger, he gave vent to his fury, and with significant signs, and in language not to be mistaken, gave the unwary traveller to understand he must go no further. The baggage bearers immediately resumed their seats with unaffected meekness, and the natives of the settlement, squatting themselves down native fashion—their arms resting on their knees and their heads half-buried in their blankets—grouped themselves quietly around, intent spectators of the scene; leaving a clear stage to the infuriated chief, and the checkmated traveller, to perform the principal characters in the play.

Alone, unarmed, in a remote part of the country difficult of access, confronted by this savage-looking specimen of his race, and uncertain whether the play would prove a tragedy or a farce, a new comer, or one not yet "to the native manner born," would have

* Te Kaharoa.

found himself in no enviable position. The traveller explained that he was a Kaiwakawa from Auckland; but the announcement worked no charm, nor served to soothe the savage breast. In this remote part of her Majesty's dominion it was clear that the Queen's name had not yet become "a tower of strength." Argument was useless, force was out of the question; and the baggage bearers refused to proceed, believing that the attempt would be at the risk of being tomahawked or stripped. It being idle to attempt any longer to carry on the unequal contest, and the play being evidently played out, the beaten party retired from the scene; leaving the spectators to discuss, which they would assuredly do with infinite zest, the merits of the serio-comic entertainment; so again shouldering their loads, the discomfited and crest-fallen party began, with what grace they might, to retrace their steps to Auckland; satisfied that the Tapu imposed by a native chief of New Zealand is neither a byegone custom nor an empty threat.

It may not improbably be asked, how are such things allowed to be, that free passage was denied to her Majesty's subjects at the caprice of a barbarous New Zealand chief? Dear bought experience has proved that—man for man—in bush-fighting at least, a Maori is fully a match for the disciplined British soldier. At the particular spot in question—a lee shore, with an iron-bound coast, and an open sea-beach—a landing cannot be effected from the sea. To reach the district overland, it is necessary to travel along the coast; sometimes clambering over rocky headlands, sometimes

having to wait for the tide, in order to ford round them at low water, and here and there in single file to walk along a narrow ledge of rock overhanging a surging surf, and overhung by a wall of perpendicular cliffs. Along this part of the western coast of New Zealand, the advance of an army may be held in check by a handful of armed men:* and so it was, as the Queen's writ would not run, and as the Queen's troops could not march, that her Majesty's Colonial Attorney-General was stopped on the Queen's highway.

To Kaharoa, however, no longer stops the way at Tongaporutu; and free passage may now be found throughout the land, with little risk of let or hindrance. There are those, however, who can travel from Dan to Beersheba, and declare that all is barren. For such, a Bush journey in New Zealand will have neither pleasure nor profit; but not so to an intelligent and observing man. In the course of his wanderings he will have an opportunity of seeing the habits and manner of life of a native race, in the various phases of their transition state from barbarism to civilization. He will meet settlers of every degree, from the poor isolated squatter of the interior to the owner of well-cultivated fields and numerous flocks and herds; thus he will be able to obtain a true notion of a settler's actual life, and to correct the fanciful pictures of the imagination by living illus-

* The walk from this point (Waikato) to Taranaki, consisted of continual changes, from ridge paths and table land to woods: up and down, high and low: sandy beach—rocky beach—cliffs and rivers.—*Journal of a Walk from Auckland to Taranaki.* By the Ven. C. J. ABRAHAM.

trations of sober realities. Health, too, as well as amusement, is gained by a journey in the bush. By change of scene the dull routine of daily life is broken, and its business and cares for the time forgotten. Almost constant mental excitement, gentle in degree, and agreeable in its kind, exposure to the open air, active exercise, and plain and scanty diet, all tend to health; the appetite is sharpened, the nerves are braced, the blood is purified, the cheek is bronzed, and the traveller returns from his journey a stronger and a better man. But a pedestrian journey of several hundred miles cannot be accomplished without some toil and trouble, and the traveller must, for a time at least, be content to give up ease, and to live laborious days: still he will find the journey no more than a pleasant adventure, tending to promote a manly hardihood, and to give new zest to the dull routine of daily life. Throughout his wanderings he will be insensibly receiving the bracing and invigorating influences of an open-air, out-door life; breathing continually the health-inspiring breath of Heaven under a clear blue sky and a genial summer sun, the while enjoying as he roams along the novelty and wild freshness of a gipsy's wandering life: realising, at the same time, the remarkable fact that a country, but yesterday the terror of navigators, the scene of war, rapine, and cannibalism, the very bye-word of barbarism, may now be traversed throughout its length and breadth in fearless security, by a solitary unarmed traveller.

CHAPTER X.

THE CLIMATE.

The climate of New Zealand has been overpraised; and, considering the glowing descriptions which have been given of it from the time of Captain Cook, it is hardly surprising than an exaggerated estimate is commonly entertained respecting it. "The agreeable temperature of the climate," wrote Captain Cook himself, "no doubt contributes much to the uncommon strength in vegetation; for at this time, though answering to our month of August, the weather never was disagreeably warm; nor did it raise the thermometer higher than 60°. The winter also seems equally mild with respect to cold; for in June, 1773, which corresponds to our December, the mercury never fell below 48°; and the trees at that time retained their verdure as if in summer." "Situated in the same latitude as Sydney," says Mr. Earle, who visited both countries some thirty years ago, "we found the climate of New Zealand infinitely superior: moderate heats and beautiful clear skies succeeded each other every day. We

were quite free from those oppressive feverish heats which invariably prevail in the middle of the day in Sydney; and from those hot pestilential winds which are the terror of the inhabitants of New South Wales. Nor were we subject to those long droughts which are often the ruin of the Australian farmer. The temperature here was neither too hot nor too cold—neither too wet nor too dry." "The spring and autumn," wrote Mr. Yate, "were delightfully temperate. In spring and summer, and autumn and winter there is no visible change in the appearance of the woods: they are as beautiful in the depth of winter, as in the height of summer: leaves no sooner fall to the ground than others directly assume their stations: no branch withers from its trunk, but another and more vigorous one puts out in its stead: the fairest and most tender shrubs shrink not from the southern blast, nor faint beneath the rays of the sun."

But since the colonization of the country, a practical test has been applied, and not without a satisfactory result: for as regards temperature and weather, the climate is probably best tested by its fruits, and, in the gardens of Auckland and the north may now be found in their seasons, well ripened, the strawberry, the raspberry, and the currant; the gooseberry and the cherry; the peach, the nectarine, and the apricot; the apple, the pear, and the plum; the medlar and the quince; the Cape gooseberry, the almond, and the nut; the mulberry and the Siberian crab; the fig, the grape, and the melon; the lemon, the pome-

granate, and loquat. But besides growing nearly all the fruits of Europe, the climate has been proved to have the singular power of maturing crops of both potatoes and Indian corn. In scarcely any other country are maize and potatoes found to flourish in the same climate; the growth of Indian corn being commonly confined to the country of the vine. In Tasmania potatoes are grown in great perfection, but Indian corn produces but an indifferent crop; on the continent of Australia, on the other hand, maize thrives well, while the potato crop is uncertain; and New Zealand appears to be almost the only country in the world where maize and potatoes grow side by side, maturing their produce, and both of them yielding a certain remunerating crop. Our English flowers and vegetables also all thrive well. Cultivated flowers blow quickly; their colour is fine, and no word but profusion can describe their quantity. And in the North, the more delicate plants—the geranium, fuschia, arum, myrtle, balsam, camellia, coronella, hydrangia, heliotrope, gladiola, and Cape bulbs of every kind, enjoy a vigorous existence in the open air, and roses blow without ceasing.

Owing, however, to the glowing descriptions which have been given of the climate, strangers at first are liable to be disappointed with it; for, though undoubtedly good, it has been described injudiciously and without discrimination. "Beautiful," "delightful," and "splendid," are the epithets which have commonly been applied to it. But the climate of a country may be fertile and salubrious—and such is

the climate of New Zealand—without being either "splendid" or "delightful." There is, in fact, both too much wind, and, in the winter season, too much rain, to be personally agreeable. The air, however, is mild and slightly stimulating. The air of England, in comparison, breathes thin, poor, and cold. The range of temperature, too, in New Zealand is limited, their being no excess of either heat or cold. In the depth of winter the thermometer rarely falls below 50° at noon in the shade: and in the summer rarely rises higher than 75°. As, distinguished, however from temperature, the weather is liable to great extremes: there are few quiet, gray, cloudy days as in England; the weather in New Zealand being either brilliantly fine, or wet and boisterous.*

The change in the temperature from month to month is very gradual. January is the warmest and one of the finest months in the year. The temperature indicated by the thermometer out of doors, in the shade, taking an average of several years, is, at eight o'clock in the morning, 66°; at two o'clock in the afternoon, 74°; and eight o'clock in the evening, 62°. Taking an average of the same years and during

* Speaking of the climate of Canterbury, Archdeacon Paul makes a similar remark. "I remember once," he says, "describing the climate of Canterbury as a mixture of the climates of the South of France and the Shetland Islands: the former greatly predominating. When the weather is fine, I have never seen brighter skies, or basked in a more glorious sunshine, even in Italy or Portugal; but when a wet south-wester or drivelling east or south-east wind does set in, I can hardly conceive anything more dreary and comfortless: and to this we are liable at all seasons of the year, so that summer may be turned into winter in a few minutes."—*Letters from Canterbury.*

the twenty-four hours, there are in this month, five showery days, two wet days (or days in which there is rain of three hours' continuance), and twenty-four dry days. But in New Zealand, as in England, there is now and then an exceptional season. For instance, in January, 1852, the weather was wet and unsettled, altogether unlike that which commonly prevails: in 1846 the weather in January was equally exceptional. The temperature of the month of February nearly resembles that of January, and it is also usually equally dry. In March the temperature falls a little, but the weather is equally dry as in the two previous months. In April the weather becomes sensibly cooler—more unsettled and showery. In the year 1852 the very wet January was followed by unusually dry weather: between the 23rd of January and the middle of May there was not one wet day, and the showers were unusually slight.

In the month of May the air begins to have an autumnal feel, and the weather is much more wet than in the preceding month: but towards the end of the month there are generally some of the finest days in the year—calm, temperate, and bright. In the month of June the weather is cold and chilly; but it is very little more unsettled than the two preceding months: in this month also the fine days are very fine. July is generally the worst month in the year—the very depth of winter—cold and wet. The ground being now saturated with moisture the water does not readily drain away or evaporate. The

dry days, however, are commonly bright and clear; but there is little frost and no snow, the temperature being about 10° warmer in New Zealand than in an English winter.

In August a slight improvement commonly takes place: there is rather less rain than in July, and towards the end of the month the air becomes perceptibly warmer. But if the preceding months have been unusually fine, August is then the worse of the two. In September, spring commences. The number of days on which rain falls may not be much less than in the preceding month, but the quantity is smaller; and, owing to an increase in the temperature, the roads are now observed to dry up after a shower, and a decided improvement is perceptible. The weather in October is rarely the same for two successive years, being sometimes fine and dry, but more commonly coarse, cold, and boisterous. The temperature is higher than in September, but the number of days on which rain falls, as well as the quantity, is usually the same. High winds and heavy squalls from the westward, with showers, commonly prevail at this season; and it sometimes happens that, owing to the force of the wind, the cold is as much felt as during the winter when calms prevail.

In November the temperature increases rapidly; but the weather continues unsettled, rain being almost as frequent as during the two preceding months. In December the weather is still warmer and more settled than in November; not so warm

as January, but having commonly an equal number of dry days.*

A TABLE of the MEAN TEMPERATURE of the AIR at AUCKLAND; and showing the number of Showery, Wet, and Dry Days.

MONTHS.	8 A.M.	2 P.M.	8 P.M.	Showery.	Wet.	Dry.
January	66	74	62	5	2	24
February	67	73	62	5½	2½	20½
March	63	70	60	6½	2½	22
April	58	66	57	12	3½	15½
May	52	60	52	11	4	16
June	49	56	49	11	4	15
July	47	53	47	13	6	12
August	50	56	49	10	5½	15½
September	53	58	51	8½	5	16½
October	54	62	53	11	4½	15½
November	59	66	55	11	4	15
December	63	70	58	6½	2	22

Compared with an English summer, that of the North of New Zealand is but little warmer, though much longer. But the nights in New Zealand are always cool and refreshing, and rest is never lost from the warmth and closeness of the night. It is also much warmer in New Zealand both in the spring and autumn; and the winter weather of England, from the middle of November to the middle of March, with its parching easterly winds, cold, fog, and snow, is altogether unknown. Snow is never seen, ice very rarely, and hail is neither common nor destructive. The winter, however, is wet, but not colder than an English April or October; and there is a greater

* In his "Remarks on the Metcorology of New Zealand," Captain Drury, who was for some years engaged in the survey of the coast, divides the islands into eight atmospheric districts: the above and the following description must be understood to apply to the northern part of the Northern Island.

prevalence of high winds than is personally agreeable: but with less wind, the climate would not be more healthy. Indeed, it is remarkable that in those parts of the country where high winds are the most prevalent, the people appear to be the most healthy.

In summer, during settled weather, a calm commonly prevails until about ten or eleven o'clock in the morning; the heat is then moderated by a brisk sea-breeze from the north, which dies away at sunset. In winter, in the intervals between the heavy rains, the weather is bright and clear; the growth of grass is scarcely ever checked by the winter cold, and the geranium, stock, and wall-flower, scarlet verbena, and daisy, Indian May, and other flowers, may be seen to blow throughout the coldest season; indeed, the face of the cultivated country, with its ever-springing pastures and ever-green trees, looks as bright and cheerful between the rains, on a sunny winter's day, as an English summer landscape.

The seasons are the reverse of those in England. Spring commences in September; Summer, in December; Autumn, in April; and Winter, in the middle of June. The days are an hour shorter, morning and evening, in the summer, and an hour longer at each end of the day in winter, than in England: of twilight there is little or none. More rain falls in the north of New Zealand than in England, taking an average of the whole country.* But there are

* Captain Drury, in his observations on the meteorology of New Zealand, expresses the same opinion:—

"It has been frequently stated that New Zealand is a moist climate as compared to England; but if meteorological data during a number of

more fine, bright days in Auckland than in the northern and western districts of England. Fogs are rarely seen; thunder-storms are less frequent and less violent than in England; and lightning, though common, is generally harmless. There is most wind in the spring and autumn, less in the summer, and least of all in the winter. In the northern district, the south-west and the north-east are the prevailing winds; the latter being always mild and warm, though

years be taken as the basis of comparison, it will be found, such is not the case. Persons residing in New Zealand during 1851–1852, might conclude there was an excess of moisture; but had a person lived in the country in 1853–1854 alone, he would come to an opposite conclusion, for the drought then was a source of considerable uneasiness.

"Farmers do not complain there of excessive moisture. Indeed, at Auckland, no more rain falls than is required to produce its prolific vegetation: although, perhaps, too frequent to bring grapes and some other fruits to perfection which thrive in other parts of the colony." "We believe," he adds, "that more rain falls in the West of England, and on the west coast of Scotland and Ireland, than in any part of New Zealand.

* * * * * *

"We may allow the district between Hawke's Bay and the East Cape the superiority of climate, although that of Nelson is more bracing.

"The Bay of Islands claims an exception from the ordinary humidity of the northern district.

"Auckland is subject to more moisture; although no more rain falls than is necessary for the prolific vegetation, which its excellent soil and delightful temperature produce.

"The summer during two years, 1853 and 1854, was even too dry, threatening a drought.

"Having concluded this statement of the meteorology of New Zealand, as far as we have been able to collect facts from imperfect observations, and our own knowledge of the coast, we may remark that the climate is, in general, peculiarly adapted to colonists of our race; that the navigator will experience frequent changes, but is well warned by certain prognostics, with the assistance of his barometer; that all gales are of short duration; and that the temperature throughout the year is so equable, especially in the northern portion, that it is difficult to define the limits of summer and winter."

it commonly freshens into a gale. By observers of the weather, it is thought that the north-east gales occur more frequently within a day or two after the full and change of the moon than at any other time. These gales, after blowing for about forty-eight hours, cease suddenly; when the wind chops round to the south-west, and the weather becomes clear and bright. With the wind at south-west or south, the weather is commonly steady—settled fine, or settled wet. With the wind at west or north-west, it is almost always showery, squally, and unsettled. Westerly winds fall in the evening. Occasionally the wind blows from the south-south-east; with the wind in that quarter, the weather is commonly cold, chilly, and wet. A shift of wind usually follows the course of the sun: when the wind shifts in an opposite direction, settled weather is not expected.

The climate of New Zealand is, doubtless, less charming and delightful than that of Italy and the south of France; but it is certainly more salubrious, and probably better suited to the English constitution generally, than even the climate of Madeira. For although it has its share of wind, rain, and broken weather, it has the advantage over Italy and France, in being more limited in range of temperature—embracing a less oppressive summer heat, and less sudden changes of temperature during the twenty-four hours, and a more gradual change of temperature from month to month. Many of the continental and Mediterranean climates, during certain seasons of the year, are finer, steadier, and more agreeable

than that of New Zealand; but their summer-heat is in some cases too great; their autumn weather frequently unhealthy; winter, too cold; and spring objectionable, from being liable to gusts of cold and chilling winds. By moving constantly about throughout the year—traversing continents and seas—it would no doubt be possible to be always in a fine and salubrious climate. But, as a fixed and permanent residence, there are probably few places to be found, in all respects, more suitable to the English constitution than New Zealand.

The general salubrity of its climate has now been established by the experience of years. For persons of delicate constitution, predisposed to disease of the lungs, it is unequalled, save by Madeira. Compared with that of Nice, one of the most celebrated Continental climates, the climate of Auckland is *more temperate* in summer, *milder* in the winter, *equally mild* in the spring, and a little cooler in the autumn; with this advantage, too, over all the boasted Continental climates, that it is not so liable to the great variations common to them all, from the sudden shifts of wind. Dr. Shortland, after personal experience of the climate of New Zealand and the Continent, has expressed the same opinion:—"New Zealand, being an island at a distance from any continent, enjoys a remarkably equable temperament, as the wind may vary many points without its quality being at the same time sensibly changed. In this it is vastly superior to the south of France and Italy, where the full enjoyment of a delicious climate is constantly

interrupted by the chill of the piercing Mistral, or by the scorching blast of the Sirocco, which causes variations of temperature both sudden and excessive. On this account especially, New Zealand is for the pthisical patient a most desirable residence. There is not certainly, I will venture to say, amongst all the coveted climates of the northern hemisphere, one, except Madeira, which will bear comparison with it in this respect."*

Table of Mean Temperatures of Temperate Climates.

Places.	Yearly Mean.	Spring.	Summer.	Autumn.	Winter.
Auckland	58·43	56·82	66·38	59·82	50·68
London	50·39	48·76	62·32	51·35	39·12
Torquay	52·12	50·00	61·26	53·11	44·00
Nice	59·48	56·23	72·26	61·63	47·82
Rome	60 70	57·65	72·16	63·96	48·90
Naples	61·40	58·50	70·83	64·50	48·50
Madeira	64·56	62·20	69·38	67·23	59·50
Sydney	63·65	65·57	72·14	62·87	57·56
Cape Town . . .	66·56	65·66	74·30	67·28	56·64

Compared with Great Britain, New Zealand, so far as its general salubrity can be ascertained, possesses

* During the three years ending March, 1853, there have been an aggregate strength of 455 married women attached to the military in New Zealand. Most of them lived in small places detached or away from the barracks, with their husbands. Out of this number, only one died from pectoral disease, which is at the rate of 2·2 deaths annually out of 1,000, or nearly one-half less than what occurred among the soldiers.

During the year ending March, 1853, there was an aggregate strength of 150 officers, between the age of 20 and 40, in New Zealand, and not one died from any disease of the lungs.

Since 1836, 17 missionaries and their families have been resident in

a marked superiority. From the results of observations made for a period of two years, when the strength of the troops stationed in the colony amounted to nearly two thousand men, it appears that, taking disease generally, out of every thousand men, twice as many were admitted into hospital in England as were admitted into hospital in New Zealand; and the mortality, amongst equal numbers treated, was about 8½ in New Zealand to 14 in England.* Cases of fever are comparatively rare, and small-pox is as yet unknown. The only class of cases in which the comparison is unfavourable are complaints of the eye, which are more numerous in New Zealand than in Great Britain.

From the same observations, it appears that of diseases of the lungs three cases were admitted into hospital in this country to one in New Zealand; and that, out of an equal number treated, seven terminated fatally in Great Britain, and but four in New Zealand. In Malta there are two cases for one in New Zealand. In the Ionian Islands there are three cases to two in New Zealand. At the Cape of Good

the North Island of New Zealand, and among the few deaths which have occurred among them, I cannot find that one was caused by consumption.—*Observations on the Climate of the North Island of New Zealand.* By Dr. Thomson, 58th Regiment.

* But the mortality of the troops stationed in England is most extraordinary. As to the Foot Guards, a policeman has six times as much night duty, and is more exposed to changes and inclemency of the weather; yet, in a thousand Guardsmen, twice as many die in the space of a year as in the same number of agricultural labourers, from whom he may have been taken; twice and one-third as many as in a thousand of all the out-door trades of towns put together; and twice and a fraction more than in a thousand of the metropolitan police.

Hope there are ten cases for six in New Zealand. In the Mauritius there are the fewest number of cases treated after New Zealand—the proportion being about eight in the Mauritius to six in New Zealand; but the mortality from pulmonary disease is twice as great in the Mauritius as it is in New Zealand. While in Australia there are twice as many cases of pectoral disease as in New Zealand; and the disease being, at the same time, twice as fatal.

Comparing New Zealand with the healthiest foreign stations of the British army, it will appear from the following table, taking into account all classes of disease receiving hospital treatment, that the comparison is greatly in favour of New Zealand:—

Stations.	Annual Ratio of Mortality per 1,000 among the Troops, from all Diseases.	No. of men attacked annually, out of 1,000, by Pectoral Complaints.	Average number of Deaths out of 1,000 Men, during a Year, from Pectoral Diseases.
Malta	18	120	6·0
Ionian Islands	28	90	4·8
Bermuda	30	126	8·7
Canada	20	148	6·7
Gibraltar	22	141	5·3
Cape of Good Hope	15	98	3·0
Mauritius	30	84	5·6
United Kingdom	14	148	8·0
Australian Continent	11	133	5·0
New Zealand	8¼	60	2·7

In the treatment of disease, and of pulmonary diseases in particular, change of climate has always been regarded by medical men as a remedial agent of the greatest value: but as pulmonary consumption is but a secondary disease, originating in a morbid state of the whole system, the authorities are agreed that

climate operates, not as a specific, but indirectly, on the general health; and that for preventing the development of diseases of the chest that is the best climate which will admit of the greatest and most constant exposure to the open air, and which is at the same time best calculated to promote the general health—the true theory being, that a tendency to disease of any kind is best warded off by keeping the bodily system in a vigorous tone of health.*

The expediency, however, of resorting to change of climate as a preventive or remedial measure by persons threatened with pulmonary disease, can only be determined by skilful medical advice, upon an accurate acquaintance with all the circumstances of each particular case. If, however, it should be found by further experience that the climate of New Zealand is more congenial to the English constitution than

* The great secret of the salubrity of the climate of the North Island of New Zealand rests on this very point; it admits the most constant and continued exposure in the open air without injury.

In New Zealand there are no great extremes, and although the climate is a wet one, yet the anglo-Saxon race can bear exposure to its vicissitudes without injury: on this account, men live much in the open air, or in houses which admit the free entrance of air; the consequence is, that severe sickness is, comparatively speaking, not frequent. But it, may be asked, how does this produce a small mortality from diseases of the lungs? Consumption is more generally admitted to be a constitutional, not a local disease: whatever depresses the constitution or impairs the powers of life produces a tendency to consumption. Men living much in an impure atmosphere are liable to the disease, because that is a depressing agent of life: men breathing a pure air ward off the disease, because that is an invigorating agent. This is the cause why diseases of the lungs are comparatively rare in New Zealand; it is also the reason why fevers and other diseases are not frequent,—maladies which, directly and indirectly, lay the foundation of others.—Dr. Thomson.

that of any other British colony, and hardly inferior to that of Madeira itself, no time should be lost, and no pains should be spared, in giving publicity to a fact so deeply important to a large portion of the British public. A mere voyage to Madeira, and a temporary sojourn there, are within the means of few; a permanent residence almost entirely out of the question. Admitting Madeira, therefore, to possess all the advantages claimed for it by its warmest advocates, it is practically valueless to the British public. Not so, however, New Zealand: an English colony, peopled by our own countrymen, carrying with them English habits, comforts, and conveniences; and from its insularity, position, and natural productions, offering a wide and profitable field for every branch of commercial enterprise—it appears to present to the people of this country a *sanative station* accessible to all classes of the community. And should further, more accurate, and scientific observation confirm the conclusion which experience at present would seem to warrant, that the climate of these islands is inferior to none in its preventive and remedial effects, cases will not unfrequently present themselves to the medical practitioner in which he will find himself called upon to recommend an early removal to New Zealand, as the most probable and effectual means of retarding the development of pulmonary disease.

Living as they do in so mild and equable a climate, it has, indeed, been thought strange that the natives of the country should themselves be subject to con-

sumption and other scrofulous diseases. But it does not, by any means, follow that the circumstance is to be attributed to the nature of the climate. Climate doubtless exerts considerable influence on the development of pulmonary complaints; but it is only one of many exciting causes. In a country which enjoys a total exemption from consumption, we should rightly conclude, indeed, in favour of its climate; but the converse is by no means true. We cannot conclude that the climate of any country is necessarily unfavourable, because the disease is found to prevail in it. And, with reference to New Zealand, especially, this is so, for two reasons: in the first place, because there is ground to believe that pulmonary disease amongst the natives is of recent origin; and because within the last fifty years causes have been in operation calculated to produce and spread diseases of a scrofulous nature, to a degree far beyond the preventive or remedial effects of climate. There is scarcely any instance, indeed, in which the first unrestrained contact with civilization has not proved injurious to a barbarous people. Before the effects of his own expeditions had time to show themselves, Capt. Cook describes the New Zealanders as almost free from disease of any kind. "As there is no source of disease," says he, "either critical or chronic, but intemperance and inactivity, these people enjoy *perfect and uninterrupted good health*; we never saw a single person among them who appeared to have any bodily complaint." "As a further proof," he continues, "that human nature

is untainted with disease, is the great number of old men that we saw, many of whom, by the loss of their hair and teeth, appeared to be very ancient, yet none of them were decrepit; and though not equal to the young in muscular strength, were not a whit behind them in cheerfulness and vivacity." Even in 1814 we find no mention made of pulmonary disease by Mr. Nicholas, who, after Captain Cook, is the oldest authority on the subject. On being asked whether he had observed that they had any peculiar disease, he says, "Generally speaking, they appear to be a remarkably healthy people; we saw a few, but very few, afflicted with cutaneous diseases, and some appeared to be subject to sore eyes; but they appeared generally a remarkably strong, healthy people." Considering, then, the vicious and debauched habits of the greater part of the Europeans with whom the New Zealanders were for many years brought into contact after the visit of Captain Cook, and the fatal diseases which were introduced into the country during that period, it is unnecessary to go further in order to account for the complaints now observed to prevail amongst them. And although tubercular disease is now by no means uncommon, the fact that for many years after Captain Cook's visit no disease of the kind was known to exist, is sufficient to prove that its present prevalence amongst the aboriginal natives of New Zealand cannot be ascribed to anything unfavourable in the character of the climate.

The following valuable meteorological table was

kindly furnished to the writer by Dr. A. S. Thomson, M.D., 58th Regiment:—

METEOROLOGICAL TABLE for AUCKLAND, New Zealand, kept during the Years 1849, 1850, and 1851. The results are deduced from observations made during all these years, unless otherwise stated.

MONTHS.	Mean Temperature of each month.	Highest Temperature observed during each month in the shade.	Lowest Temperature observed during each month.	Average daily range of Temperature.	Temperature of Solar Rays.	
					Highest observed.	Mean.
January	67	83	50	16	122	101
February	69	85	51	17	124	106
March	64	78	46	16	107	92
April	60	75	45	15	99	87
May	58	71	45	14	99	81
June	53	66	33	14	88	74
July	52	65	36	14	88	75
August	52	65	36	13	90	78
September	54	66	39	12	97	85
October	57	73	39	14	100	87
November	61	75	45	13	108	96
December	64	77	49	14	112	100
Mean and Extremes	59¼	85	33	14	124	88

MONTHS.	Dryness of air. Mean of three observations daily.	Number of Rainy and Showery Days.	Quantity of Rain which fell every Month.	Barometer.		
				Highest.	Lowest.	Mean.
			Inches.	Inches.	Inches.	Inches.
January	6·9	9	2·64	30·06	29·69	29·87
February	7·5	6	3·08	30·20	29·34	30·05
March	5·1	12	3·37	30·14	29·41	29·86
April	5·1	10	2·13	30·25	29·92	30·00
May	3·7	16	4·00	30·27	29·44	29·86
June	3·2	19	4·79	30·08	29·32	29·74
July	3·1	18	5·17	30·24	29·24	29·78
August	3·1	16	4·37	30·32	29·27	29·79
September	4·0	15	4·20	30·22	29·29	29·80
October	4·9	11	1·73	30·19	29·60	29·81
November	5·1	13	3·84	30·41	29·57	29·92
December	7·0	10	3·14	30·14	29·62	29·92
Mean and Extremes	4·8	155	42·50	30·41	29·24	29·86

CHAPTER XI.

THE NEW ZEALAND CONSTITUTION.

Limited in numbers, and occupied with the immediate exigencies of their daily life, it is not easy to find amongst the first body of settlers just landed in a new country a sufficient number of men having the leisure, experience, and public spirit necessary for devising its fundamental laws; and, following the course usually pursued on founding an English Colony, the Executive and Legislative branches of the Government of New Zealand were, in the first instance, composed of persons appointed by and responsible to the Crown. The political tutelage of the Colony, however, was of short duration, and no dependency has been deemed fit for the enjoyment of free institutions at so early a period in its history as the Colony of New Zealand.

But to devise political institutions suited to the peculiar circumstances of New Zealand was no easy task. If the country had been unoccupied, and if it had been colonized at only a single point, there would have been but little difficulty in framing for it a Constitution which, while securing Imperial

interests, might have conferred upon the settlers ample powers of representative self-government. But the task of governing New Zealand has been complicated by serious practical difficulties. Instead of colonizing from a single centre, several Settlements were almost simultaneously planted, at wide intervals, on both the principal Islands. The geographical position of the Settlements, and their distance from each other, may be taken to be represented by Edinburgh, Hull, London, Dieppe, Brest, and Bourdeaux; with this material difference, that there were no roads between any two of the Settlements for wheeled carriages. The overland journey, even between Auckland and Wellington—both on the same island, and not much more than four hundred miles apart—commonly occupied from three weeks to a month; while the distance between Auckland and Otago—Cook's Straits, of uncertain navigation, intervening between them—is upwards of seven hundred miles. These Settlements, to borrow the description given by Governor Grey, are "separated from each other by wide intervals; and communication, even for persons on horseback, exists only between three of them. . . . The wide intervals between these European Colonies are occupied by a native race estimated to consist of 120,000 souls, a very large proportion of whom are males capable of bearing arms. These natives," he adds, "are generally armed with rifles or double-barrelled guns: they are skilled in the use of their weapons, and take great care of them. They are addicted to war; have repeatedly, in encounters

with our troops, been reported by our own officers to be equal to any European troops, and such good tacticians that we have never yet succeeded in bringing them to a decisive encounter." They possess, too, considerable natural intelligence and capacity; but they are indifferent to the possession, and as yet unprepared for the exercise, of political power. It was by no means an easy task, therefore, as may readily be imagined, to devise a Constitution, based upon the Representative principle, which should provide for the government of the people of New Zealand by one Law, on equal terms, and without distinction of race.

As early as the year 1842, a measure based upon the principle of Representative self-government was passed by the New Zealand Legislature for the local government of the various Settlements—a measure which was declared by the Directors of the New Zealand Company, to whom it was submitted for consideration, to be excellent, and "admirably calculated in the main for carrying out the most beneficial public objects for which it purports to be framed." The measure was well received also by the Colonists themselves; but on trifling and technical grounds, it was soon afterwards disallowed by the Crown; and the attempt thus made to prepare the settlers to take part in the management of public affairs was attended with but small success. Nor was the measure subsequently passed with the same object, during the administrations of Governor FitzRoy and Governor Grey, much more successful. More than once the settlers were again incorporated for purposes of local

self-government. By Charter conferred upon the people of Auckland during the administration of Governor Grey, the various hundreds into which the neighbouring country had been divided were erected into a Municipality, and the settlers had conferred upon them, not only the ordinary powers of an English Town Council, but extensive powers of self-government in all matters of local interest. But the opponents of the measure succeeded in persuading the settlers that the general revenues of the Province were not only sufficient for the general Government, but also for purposes of local improvement; and the burgesses soon became indifferent to the retention of the legislative authority and political power conferred upen them by the Charter: and in the course of little more than a year, they allowed it to expire. In all those measures the necessary powers of taxation were granted to the Colonists for the purpose of promoting local improvements: but it is so easy, as was observed by the late Lord Sydenham, referring to the indifference of the people of Canada to Municipal institutions, "to mislead them by representations against taxation; although no more is, in fact, intended than to give the power of taxation by themselves for their own local objects: and the argument in favour of its being the duty of *the Government* to provide for all their wants, is so specious and popular that it will probably be some time before the people exert themselves strenuously for this purpose." When it was proposed to incorporate the people of Sydney, a petition was signed by upwards of five thousand

of its inhabitants that the bill might be withdrawn, unless endowments were granted by it; and the Corporation, which actually was in existence for some time in the Capital of the Australian Colonies, was, not long afterwards, formally abolished by an Act of the Colonial Legislature. Some years ago, too, the cities of Quebec and Montreal were incorporated by a temporary Act; but its renewal was rejected: and experience would seem to show that a Colonial community but lightly appreciate the possession of mere legislative authority, *unless it be accompanied by the power of administering funds not levied by or upon themselves.**

For upwards of ten years after it was colonized, New Zealand continued to form one undivided Colony; and a Legislative Council, composed of appointees of the Crown, and without any admixture of the popular element, was the sole depository of general legislative power. In the year 1846, however, it was believed by the home authorities that the time had arrived when a Representative Constitution might safely be granted to the Colony. The measure then devised for that object was framed by men who had always paid great attention to colonial affairs, and who had access to all the information on the subject of New Zealand which the records of the Colonial Office at that time could afford. But no sooner were its provisions made known in the Colony itself, than

* One of the first acts of the several Provincial Legislatures was to raise a loan: and within the first three or four years, the amount of the loans expended was nearly 200,000*l.*

it was seen to be unfit for the country and the circumstances for which it had been devised; and it was represented by the local authorities that the attempt to give effect to its provisions would endanger the peace of the country, by exciting the fears of the native race for the preservation of their territorial rights. The noble lord at the head of the Colonial department, most promptly took measures for suspending its operation; and it is but an act of justice to Lord Grey to declare that, while most men would equally have failed in framing a Constitution suited to the peculiar condition and circumstances of New Zealand, few men would have had the good sense and the moral courage so readily to abandon a favourite measure, in deference to the opinion of the local authorities.*

When the subject again came under their consideration in 1852, the Government were in possession of Governor Grey's able and elaborate exposition of the circumstances of the country, and of the condition and character of its native people; and the measure introduced by the then Colonial Minister, Sir John Pakington, was discussed in both Houses of Parliament at considerable length: leading men

* We also deferred to the opinion of the Governor upon another subject of extreme importance. I refer to the question as to the proper time for establishing representative institutions in the Colony. . . . He pointed out that they (the natives) were large contributors to the revenue, the disposal of which was to be entrusted to a legislature in which they would be altogether unrepresented; that they were quite intelligent enough clearly to perceive this, and the injustice to them of such an arrangement.—Lord Grey's *Colonial Policy*.

of all parties taking part in the debate. The heads of the Bill had already been prepared while Lord Grey was Colonial Minister, and its general outlines were adopted by his successor. The greater number of its clauses, however, were taken from an Ordinance passed in the Colony itself for establishing Provincial Legislatures. In its progress through Parliament, too, it underwent considerable alterations. Under these circumstances, it can hardly be surprising that the Representative Constitution recently granted to New Zealand was found to be defective, and that it evinced on the part of its framers neither certainty of purpose nor unity of design. But, whatever may be its faults, no one can doubt the liberal and conciliatory spirit in which it was devised: and seeing that it confers upon the Colonists, on a wide electoral basis, almost unfettered powers of self-government; that it gives to them the unprecedented power of regulating the sale and disposal of the waste lands of the Crown, and of moulding its political institutions to the circumstances of the country; the "Act for granting a Representative Constitution to the Colony of New Zealand" was generally received by them as deserving of a favourable trial.

Under the authority of its provisions, the Islands are divided into six Provinces,—Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago; and they are placed under the jurisdiction of one Supreme Legislature, composed of the Governor, a Legislative Council, and a House of Representatives, who form, in fact, the Colonial Parliament: the

Governor representing the Queen; the Legislative Council, the Lords; and the House of Representatives, the Commons. The Legislative Council, or Upper House, is not for the present to consist of more than Twenty. No property qualification is prescribed by the Constitution for its Members; they are appointed, however, by the Crown; they hold their offices for life; and they are presided over by a Speaker, appointed by the Governor.

The House of Representatives consists of Thirty-seven Members,* who are elected by the people for a period of five years, subject to the power of the Governor to dissolve the Assembly. No qualification is required for the Members other than that of being an elector; and the Speaker is chosen by the Members themselves. The various Provinces are represented as follows:—

The Province of	Auckland	returns	12	Members.
„	New Plymouth	„	3	„
„	Wellington	„	8	„
„	Nelson	„	6	„
„	Canterbury	„	5	„
„	Otago	„	3	„
			37	

Thus constituted, the General Assembly of New Zealand is authorized to legislate for the peace, order, and good government of the Colony at large. All the Acts of the Assembly, however, are liable to disallowance by the Crown.

But, with its numerous and widely-detached Settle-

* At the first general election after January, 1860, the number is to be increased to fifty.

ments, it was obvious that New Zealand could not be governed in detail by a single central authority; and it is provided by the Constitution that for the local government of each of the Provinces there shall be a "Superintendent" and a Provincial Legislative Council. The Superintendent is elected by the people of the Province, and his term of office, if not sooner dispossessed, is four years. The Members of the Provincial Council are also elected by the people, and for the like period; but the Council is at any time liable to be dissolved by the Governor. The Superintendent and Council of each Province are authorised to make all such laws as may be required for the government of the Province — excepting on matters relating to the Customs, Courts of Judicature, Currency, Weights and Measures, Post-office, Bankruptcy, Lighthouses, Shipping Dues, Marriage, Crown Lands and Native Land, inflicting Disabilities or Restrictions on the Native Race, Criminal Law, and the Law relating to Inheritance. But all the laws made by the Provincial Legislature are subject to the veto of the Governor, and they may also at any time be repealed by the General Assembly.

The Elective Franchise, as prescribed by the Constitution, is without distinction of race; and every man of the age of twenty-one or upwards who owns land to the value of 50*l.*, or who holds land on lease to the value of 10*l.* a year, or being a householder occupying a tenement in a town of the annual value of 10*l.*, or a tenement in the country of the annual value of 5*l.*, if duly registered, is not only qualified

to vote at the election of a member of the House of Representatives and of the Provincial Council, and also of the Superintendent of the Province, but to be himself elected to the office of Superintendent, or as a Member of the Provincial or General Legislature, or both. The Franchise prescribed by the Constitution, virtually equivalent to Universal Suffrage, is the same as that which had been prescribed by the Local Legislature in providing for the establishment of Provincial Councils. But the Local Legislature which adopted so low a rate of franchise, provided, at the same time, that one-third of the Members of the proposed Councils should be appointed by the Crown, instead of being wholly elective, as under the recent Constitution: the New Zealand Provinces, too, at that time, being governed by an officer appointed by the Crown, and not by a Superintendent elected by the people: these Councils, also, being at that time subject to the control of a General Legislature, consisting of members all appointed by the Crown.

In one important particular the New Zealand Constitution is certainly the most liberal that has ever been granted to a British colony; the possession of property not being prescribed as a qualification either for the office of Superintendent or for a seat either in the General or Provincial Legislature: every man, in fact, qualified to be an elector being qualified also to be elected. Both on principle, and with reference to a Colonial community, much may be said in favour of the enactment, provided that

care be taken to confer the elective franchise on those only who are fit to be entrusted with its exercise; for having determined who may safely be trusted with the power of election, it appears to be a direct infringement of the whole principle of representative self-government to limit the range of choice by an arbitrary rule founded on the possession of property: for the mere possession of property is not regarded as itself the qualification, but as a test. In an old settled country, indeed, such a test is no doubt as trustworthy as any other that could be easily devised; but in a new Colony,—where it is the rule, and not the exception, for the industrious classes rapidly to become independent, and, not unfrequently, to change places with the rich—the mere possession of property ceases to be a reliable test that its owner possesses the education, intelligence, and ability necessary for the discharge of important public duties. In a small community, therefore, where the range of choice must, under any circumstances, necessarily be small, to limit the range still further by an arbitrary or delusive test, is not only an infringement of the representative principle, but would have the effect of depriving the community of the services of many of those best fitted, by their ability and experience, for exercising a beneficial influence in the Councils of the country.

With their boasted independence, it might seem to be an insult to a Colonial community to offer to protect them in the exercise of their political privileges: but even in a Colony, bribery and intimidation are not altogether unknown; and in consequence of

speculation and overtrading, intemperance and misfortune, electors are occasionally reduced to a state of political vassalage: under the pressure of bills overdue, and of accounts of long standing, they can hardly dare to oppose the unscrupulous influence of an exacting political creditor; but it was not thought expedient, in the first instance, for the sake of a few weak and worthless characters, to introduce into New Zealand the doubtful principle of the secret vote.* The Colonists are for the most part in prosperous circumstances, and not likely, so far as the mass of the working classes are concerned, to be extensively influenced by intimidation: and should the time ever arrive when any considerable portion of the settlers shall become so dependent in circumstances and so poor in spirit as to be open to venal influences in the exercise of a great public trust, it may then be time to consider, not whether they shall be screened and encouraged in the betrayal of that trust by the secrecy of the ballot; but whether, consistently with the welfare of society, and consistently with sound principle, they are fit to be trusted with any share whatever in the government of their fellow-men.†

* In the Session of 1855, a Bill was introduced by the Government for establishing the vote by ballot: but a Select Committee of the House of Representatives, to whom the subject was referred, reported—"It is inexpedient to discontinue the practice of open voting: and that, in the opinion of this Committee, secret voting is calculated to produce greater evils than those it is intended to remedy:" a resolution afterwards affirmed by a vote of the House by a majority of 14 to 11.

† It is somewhat curious that while the vote by ballot is rather losing than gaining ground in the old country, the secret vote should have

The value of a Double Chamber has never been called in question by the New Zealand Colonists; but, in the first instance, the importance of the Legislative Council or Upper House was, perhaps, somewhat under-rated. Being few in number, and having no constituents, the Members are under no temptation to indulge in declamatory speeches for the purpose of making political capital, and the oratory of the Colonial Parliament was confined to the popular branch of the Legislature, which for a time absorbed the public attention: but when the real business of legislation was to be done; when it was seen that the proper business of the Assembly, as a law-making tribunal, excited little real interest with the members of the House of Representatives; that it was rapidly hurried over; that the Bills,

been adopted by some of the Australian colonies, where the people are popularly supposed to be too independent to call any man master. The philosophical exponent of, as he hopes, the "matured intelligence and the calm convictions of the large majority of the Liberal party throughout England, including the most distinguished of those who led the movement for reform a quarter of a century ago," speaking of the ballot, says:—"The opinions of the more radical reformers have also, it appears to us, been considerably modified, especially on two points—the ballot and *the principle* of numerical representation. The former, it is true, still holds its ground as a professed article of faith: that is to say, it has not yet been formally expunged. It is still honoured by an annual debate in Parliament, which excites little interest and no alarm. But even the most liberal constituencies now listen patiently and respectfully to arguments against it, and rarely press it on a reluctant politician, where he has courage enough to speak his mind." . . . "Argument and reflection," he adds, "have gradually shaken the confidence of reformers in the efficacy of secret voting: the evils against which it was sought as a protection are, though far too slowly, on the decline; it is at once less desired and less feared."—*Edinburgh Review.* July, 1857.

as they were passed by that body, were frequently in an unfit state for actual operation; and that for their practical efficiency, they were indebted to the painstaking care and business-like proceedings of the Upper House; the value of the Legislative Council, even before the close of the first session of the Assembly, began to be more justly appreciated. But, in the first instance, the impression of the Colonists was unfavourable to the nature of its Constitution: the Legislative Council is, in fact, the only permanent element of the Assembly; the Governor for the time being, holding his office but for a limited, and, at all times, but for a brief, period, and by an uncertain and precarious tenure. The Ministers, under the system of responsible government, hold their offices by a still more uncertain tenure; while the members of the House of Representatives, when they become obnoxious to the public, may, on a dissolution, be replaced by other men: but the Legislative Council is a permanent body, composed of members who hold their offices for life, and over whom the public have no immediate control. Hitherto their proceedings have been conducted with prudence and discretion, and have been undisturbed by party feelings. The alterations made by them in the measures sent from the House of Representatives have generally been adopted by the popular branch of the Legislature, as valuable amendments; and so long as they shall devote themselves, uninfluenced by party feeling, to the consideration of the measures which may be brought before them, with the single

object of their improvement, it will probably be some time before the Colonists will seek to promote any important changes in the constitution of the Upper Chamber.*

As originally framed and laid before Parliament, the Constitution provided that the head of the Executive of each of the Provinces should be appointed by the Governor of the Colony, subject to the confirmation of the Crown, and that he should hold office during her Majesty's pleasure: but, yielding to representations made to him during the progress of the measure through the House of Commons, and regarding the office of Superintendent in the light of that of the Chief Magistrate of an English Municipality, Sir John Pakington adopted an amendment for rendering the office elective; and the Superintendent is elected by the whole body of the electors of the Province, by all but universal suffrage. His utmost term of office is four years. "Under no circumstances can it extend beyond the existence of the Council of the Province; so that, if the Council shall have been in existence for the space of two years at the time of his election, the Superintendent cannot hold office for more than two years, or the remainder of the term of the life of the Council. His term of office, too, is not

* But care should be taken to fill up vacancies as they occur, by the addition, not only of men of ability and influence, but of men entirely independent of the Minister of the day. A Council composed of ten able and independent men would have more weight with the country than a Council of twenty, one half of whom were paid officials, holding their offices as tenants-at-will of the Government. No Government would tolerate opposition from its own subordinate officers, and paid officials would, consequently, be in a false position in the Council.

only brief but precarious. If the Governor do not approve of him, he may, at any time within three months, disallow his election. If the Council do not approve of him, her Majesty, on the prayer of a majority of the Members, may remove him: and again, if the Governor do not approve of the proceedings of the Provincial Council, and dissolve them, he necessarily at the same time extinguishes the Superintendent. When to these possible causes of vacancy in the office are added the death, incapacity, and voluntary resignation of the Superintendent himself, it must be admitted that the Colonists have had conferred upon them abundant opportunities for the exercise of their newly acquired elective privileges. What might easily have been foreseen was immediately verified: the Superintendent, being compelled to become, and to enter office, the man of a party, bound hand and foot by personal and party obligations, his election divides the whole community into parties, keeps alive personal animosities and party strife, and is attended with no small amount of drunkenness and fraudulent personation. It has the effect, too, of turning the Provincial Council into an arena of party strife; for the members are commonly returned as supporters or opponents of the party of the Superintendent: their proceedings are frequently characterised by party feeling; and in their eagerness to obtain a party triumph, the proper business and the real interests of the Province are neglected.*

* "The want of the elements of permanency in the Government keeps many persons from entering into public life; and it would appear

Even if its origin and history had been altogether unknown, the New Zealand Constitution contains sufficient internal evidence of a divided authorship and a want of definite principle. The alteration made in the character of the office of Superintendent, when the Bill was in committee, was not followed up by other amendments which the change had rendered necessary; and the measure, made up of materials gathered from various sources, was otherwise not very carefully framed: indeed, to the student of the "mechanics of law-making," a critical examination of its provisions, as it finally appeared upon the Statute-Book, would afford not a little instruction and amusement. A measure, however maturely conceived and carefully framed by a single guiding mind, is liable to be seriously damaged by an apparently trifling alteration in an unimportant particular; and every Bill is liable to be altered in various stages of

that merit and distinguished talent, when accompanied by such a competence as renders a man independent of the emoluments of office, are by no means a passport to success. The stranger visiting the United States is surprised with the entire absence of gentlemanly feeling in political affairs. . . . It is to be feared that political morality is in a very low state. The ballot secures the electors from even the breath of censure, by making them irresponsible; few men dare to be independent. The plea of expediency is often used, in extenuation of the grossest political dishonesty. To obtain political favour or position, a man must stoop very low: he must cultivate the good will of the ignorant and the vicious; he must excite and minister to the passions of the people; he must flatter the bad, and assail the honourable with unmerited opprobrium. While he makes the assertion that his country has a monopoly of liberty, the very plan which he is pursuing shows that it is fettered by mob-rule." Such is the account given by one of the most recent and impartial writers, "The Englishwoman in America," of a country in the full enjoyment of universal suffrage, the vote by ballot, and an elective head.

its progress; while, most commonly, its real framer is not present when the measure is undergoing alteration. Clauses are amended, transposed, or struck out; new clauses are added; dates are altered: all is done in the hurry of debate. Having succeeded in effecting his immediate object, the author of an amendment rarely cares to consider how it may affect other provisions of the Bill; and when the enactment is finally recorded on the Statute Book as the law of the land, which her Majesty's lieges are bound to know and to understand, its original framer would himself often be puzzled to decide on its true interpretation.

It was no doubt intended that the then existing revenue of the Colony should be subject to the general power of appropriation given to the Assembly by the Constitution; but the whole of the actual revenue was, in fact, unaffected by the Constitution, and left, as before, at the disposal of the Crown: what was really made subject to the appropriation of the Colonial Legislature was only prospective revenue, or the revenue, in the words of the Act, "arising from taxes, duties, rates, and interests levied under any Act or Acts *of the said General Assembly*," thus leaving the existing revenue, levied under former Colonial Ordinances, altogether untouched. It was intended also that the Governor should have a discretionary power to disallow the election of the Superintendent; and the Act provides that "if such disallowance be signified by the Governor to the Speaker of the Council, at any time within three

months after the election, the office shall become vacant." But there can, of course, be no Speaker until the Council shall have met and chosen him; consequently the obnoxious Superintendent can secure himself against the Governor's power of disallowance, by taking care not to summon a Council until the expiration of three months after his election.* With the view, too, of retaining some check over the proceedings of the Provincial Legislatures, it is provided that, in giving or withholding his assent to measures of the Provincial Legislature, the Superintendent shall do so, subject to such instructions as he may receive from the Governor. If—as originally proposed, and as the Bill, in fact, provided, before it was altered in committee—the Superintendents held their appointments from the Governor, a simple instruction directing them not to introduce or to assent to measures on a certain class of specified subjects,

* Of the numerous defects in the Act, but few are yet generally known. This defectiveness, however, has recently been brought to light. On the occasion of the second election of the Superintendent of Wellington, the unsuccessful candidate petitioned the Governor to exercise his power of disallowance, on the ground of an alleged irregularity in the conduct of the elections. He was informed, however, that "The power of disallowing the election of a Superintendent, which your petition prays the Government to exercise, is vested in his Excellency by the 4th section of the Constitution Act. That Section prescribes that such disallowance is to be signified, under the seal of the Colony, to the Speaker of the Provincial Council, within three months after the election. . . . The Governor's power of effectual interference is also open to a technical doubt. There is at present no Speaker of the Provincial Council of Wellington, nor can there be one until the Superintendent thinks fit to exercise the powers vested in him alone, of convening the Council and confirming its election of a Speaker. It may be questioned whether a notification addressed to the Speaker of the Council, there being no such functionary, would be effectual."

would have had the effect of preventing, in a considerable degree, the growth of an inconvenient mass of conflicting legislation; but, after making the office of Superintendent elective, and altogether independent both of the Governor and of the Crown, no fitting alteration was at the same time made for securing any really effective controlling power over these officers. As a further check upon ill-advised legislation, it is provided that the Governor may disallow any Bill passed by the Provincial Council; but, as the disallowance has not the effect of rendering the Bill null and void *ab initio*, but only from the date of the disallowance, the mischief may be done—as in Bills for raising loans—before the disallowance can take effect.*

* By the Provincial Council of Wellington, an Act was passed for raising a loan of 25,000*l*. This Act was disallowed by the General Government, on the ground that the purpose for which the money was proposed to be raised was not within the jurisdiction of the Provincial Government. But during the interval between the passing of the Act by the Provincial Council and its disallowance by the Governor, the money had actually been raised. Referring to the subject in his Address on the opening of the Council, the Superintendent of the Province of Wellington observes,—"It is, however, satisfactory to know that the disallowance is wholly inoperative. The power of the Council to pass, and of the Superintendent to assent, on behalf of the Governor, to an Act authorising the raising of a loan to any amount they might please, is not and cannot be disputed. . . . What, then, is the effect of the disallowance by the Governor of an Act of the Provincial Council? The Constitution Act is clear and explicit on this point. After declaring, in the 29th section, that 'it shall be lawful for the Governor, at any time within three months after any Bill shall have been received by him, to declare by proclamation his disallowance of such Bill;' it adds—'and such disallowance shall make void and annul the same, from and after the day of the date of such proclamation, or any subsequent day to be named therein.' In other words—it declares that the disallowance of any such ordinance shall not have any retrospective operation; and shall

Before the Constitution could be brought into actual operation, the boundaries of the several Provinces, and of the various Electoral Districts for both the General and the Provincial Legislatures, had yet to be defined; the number of these Districts, and the sites of the necessary polling places had to be fixed, and the manner in which the Elections and the mode of voting were to be conducted, remained to be determined. The whole of these important preliminaries, necessarily a work of time, were wisely entrusted to the judgment and discretion of the Governor on the spot: as soon as these necessary arrangements were completed, the writs were issued for the first General Election; and the Provincial Councils were the first to be summoned for the despatch of business. Unfortunately, their legislative jurisdiction was not (as the Colonial Minister, who brought forward the measure, seemed to suppose) "limited to local objects such as would be considered to be of a municipal character, rather than partaking of the higher attributes of legislation;" but it was, in fact, unlimited, except as to the thirteen subjects already enumerated: and the whole of the Six Provincial Councils at once proceeded to legislate, each according to its own device, on a great variety of important subjects. Nor were the Superintendents willing to believe, with the creator of the office, that they had "but one function of a higher and more independent character

not render invalid or void any act done under the authority, or in pursuance of any such ordinance, before the date of the proclamation of its disallowance."

than the elective Chief Magistrate of an English Municipality." But, on the part both of the Superintendents and the Local Councils, a tendency was speedily manifested to magnify the importance of their respective offices. On the occasion of the first Election, and before the multitude had felt their power, the persons elected to fill the office of Superintendent were all men of the highest social standing in their several Provinces: few of them were disposed to regard the office as a simple civic dignity, and the greater number would have been well content to bear the title of "His Excellency:" all commenced (and the practice is still generally followed) by opening the Council with a speech of presidential length. In every Province, the Superintendent is advised, in administering the duties of his office, by an Executive, or quasi Cabinet Council: in some cases—going beyond the American Constitution—provision has even been made for conducting the business of the Province on the principle of "Responsible," or Parliamentary, Government; and in a Province whose entire population hardly then exceeded 2,000 souls, with a Local Council of Nine Members, a "*Ministerial Crisis*" was by no means an unusual occurrence; the proceedings of the discordant nine being not unfrequently brought to a stand-still by a "*change of Ministry*," or adjourned to allow time for the reconstruction of a damaged Cabinet. The whole of the Provincial Councils, too, not only adopted an elaborate code of minute and special rules for the conduct of their proceedings, but trammelled them-

selves by a general reference to the usages of the British Parliament: and, as if further to foster the delusion, the "prayer for the High Court of Parliament" (but slightly altered) was read in church whenever their mimic Parliament was in session.

As soon as the several Provincial Councils had met and held a Session, the General Assembly was convened; when it soon became apparent that, instead of drawing together and uniting the Colonists in the various and widely separated Settlements, the new Constitution rather tended to perpetuate their isolation; and the Local Government took the earliest opportunity of pointing out the evil. "Seeing," said the Acting Governor on opening the first Session of the Assembly, "that the Colony is composed of six detached Settlements, each from another more than a hundred miles apart; with no facilities of intercommunication; planted by various founders, on different systems, each independent of the other; with little intercourse between them, either social or commercial; with no common sympathy; and, heretofore, without the slightest bond of union: seeing, too, that each of its several Provinces has been invested with larger powers of local legislation, it will rest with the General Assembly of these Islands whether New Zealand shall become One Great Nation, exercising a commanding influence in the Southern Seas, or a collection of insignificant, divided, and powerless petty States." But the inhabitants of the various Provinces having already been so long and so completely separated from each other, it soon became

evident that the leaning of the greater number of the Members of the General Assembly itself was altogether provincial: that a provincial, rather than a national feeling prevailed amongst them; that the Provincial rather than the General Legislature was the chief object of their interest; and that their views and sympathies hardly extended beyond the Province they had been returned to represent. Seeing, however, the tendency to provincial independence which had shown itself in the whole of the Provincial Councils, and foreseeing that, if some controlling check were not promptly interposed, there would shortly be as many different laws in the Colony, on a variety of important subjects, as there are Provinces, the Government continued urgently to direct the attention of the Assembly to the subject; suggesting to them that it would be desirable, at the outset of their proceedings, that some guiding principle should be adopted, whereby it might be determined on which of the subjects within the common jurisdiction of the General and the Provincial Legislatures, the superior authority should take the initiation in legislation; and under what circumstances, and to what extent the Assembly should exercise its controlling and over-riding power in respect to laws which might be enacted on those subjects by the Local Councils: pointing out at the same time that, as to different laws already passed by several of the Provinces, it was still in the power of the Assembly, by consolidating their provisions, at once to substitute one general law, and thus secure uniformity without any

undue interference with the freedom of Local Legislation. These views have been gradually gaining acceptance with the more intelligent of the Colonists, and have recently been carried partially into effect;* but the first Session of the Assembly was allowed to close without any attempt on the part of that body towards their accomplishment: and instead of controlling, the Assembly was, in fact, itself controlled by the Local Councils. At the second General Election, the House of Representatives became still more provincial in its character; the Superintendents of all the Provinces, and many of the Members of the Provincial Councils, being elected to the House of Representatives: thus, comprising so many members immediately interested in maintaining the importance of provincial institutions, the General Assembly failed to prove an efficient check on the growth of a mischievous multiplicity and diversity of provincial legislation.† The whole of the Six Provincial Councils, thus left unchecked, passed, during the first three years of their existence, upwards of two hundred Provincial Ordinances; and it was not until the Upper House, in the Session of 1856, appointed a Committee to inquire into the subject, that the

* In the Session of 1858, the Assembly passed an Act repealing Ordinances which had been enacted by two of the principal Provinces, on the subject of foreign seamen and mixed partnerships; and, adopting their provisions in the main, enacted one general law on these subjects for the whole Colony.

† It is the opinion of some of the Colonists, that the Superintendents of Provinces and the Members of Provincial Councils should be excluded from sitting in the General Assembly. This amendment can at any time be made in the Constitution by the Assembly itself.

Assembly appeared to be alive to the growing evil.

So far as the evil arises from the provisions of the Constitution, and not from the local prejudices of the Colonists themselves, the remedy is now in their own hands. In the year 1857, an Act was passed by Parliament to enlarge the constituent power of the General Assembly, and it will now rest with the New Zealand Legislature itself to mould the Constitution in conformity with the wishes of the people. The Assembly must, indeed, still consist of two Chambers; but it may now enact that, instead of being nominated by the Crown, the Legislative Council shall be elected by the people; and, on the other hand, that, instead of being elected by the people, the Superintendent shall be elected by the Council, or appointed by the Crown. But by all thinking men it was from the first regarded as a mistake to provide that the Superintendent of a Province should be elected by the whole body of the people: and experience has in no degree tended to alter that opinion. In the case of one Province, there were no less than five Elections in little more than four years. In most instances, the Election was keenly contested, and cost the contending parties nearly 2,000*l.* a side; and every Election was attended with a fearful amount of drunkenness and bribery: falsehood and fraudulent personation, also, were alleged to have been largely practised, and the whole Province was divided by personal ill-feeling and party strife. Experience has proved, too, that the elective character

of the office furnishes no security for harmony between the Superintendent and the Council, and that where there is no harmonious co-operation between the two, the interests of the Province invariably suffer. It would undoubtedly save the country from a fertile source of demoralization, if the Superintendent, as originally intended, were appointed by the Governor; but it is probable that in that case the Superintendent and the Provincial Legislature would not unfrequently be in a state of unprofitable antagonism. Mutual confidence and harmonious relations would probably best be secured by providing that the Superintendent should be elected, not, as at present, directly by the people themselves, but by their provincial representatives; or the members of the Provincial Council might nominate three persons whom they deem fit to hold the office, out of whom the Governor of the Colony might select the individual to be the Superintendent.

But to substitute as speedily as possibly simple Municipalities in place of the Six Provincial Governments, should be the great object of the Colonial Legislature: for it is absolutely essential to ultimate unity that there should be but one tribunal in the country having general legislative jurisdiction; that the law-making power of the local tribunals should be of a strictly local character; that the general central authority should be the source whence to derive their powers; and that, practically as well as in theory, the General Assembly should be free to exercise over them an efficient controlling power.

But under the provisions of the Constitution, there have been established no less than Six Provincial Legislatures, who have all been rapidly manufacturing a mischievous multiplicity and diversity of laws on several important subjects. Not that the subdivisions of the Colony are too numerous, but that their legislative jurisdiction is too large; while the outlying districts of the Provinces themselves are practically without the power of local self-government. Several of the Provinces are upwards of a hundred miles in length, and their Capital town and its neighbourhood commonly return to the Provincial Council a majority of Members having comparatively little interest in, or consideration for, the distant parts of the Province; thus the inhabitants of the smaller Settlements and outlying districts, instead of enjoying local self-government, still find themselves governed by an authority over which they have little or no control. One of the earliest measures of nearly all the Provincial Governments was to raise a large loan,* at a high rate of interest. The money thus borrowed was almost immediately expended on Public Works of no very permanent character, or in introducing

* In the course of the first three or four years, the several Provinces raised and expended loans amounting to nearly 200,000*l.*, viz.:—

Province of	Auckland	£45,000
„	Wellington	100,000
„	Nelson	2,000
„	Canterbury	30,000
„	Otago	20,500
		£197,500

immigrants, some of whom have already left the Colony, or taken their labour into the better market of some rival Province; and in a season of general depression, it will probably be found that the share of each Province in the general revenue will barely suffice to pay the salaries of the Provincial Officers, and the interest of the Provincial Debt, and that, for want of funds, all useful public works must cease. Under such circumstances, the Colonists will not long be content to see the whole of the Provincial Revenue swallowed up by the payment of a large staff of expensive Provincial Officers: they will be equally impatient of direct taxation; and the necessity of so many expensive Governments will be generally questioned. Indeed there is ground to believe that they themselves will see that all that is needed for the Government of the Colony is one General Legislature, together with a Municipal Government of an entirely subordinate character, and with a strictly limited legislative jurisdiction, for every Settlement and district throughout the Colony, whenever it shall become of sufficient importance, from population or otherwise, to need special powers of local government. Instead of at once mapping out the whole area of the Islands for purposes of local government, as has been done for establishing the present Provincial System, the principal Settlements and the peopled districts only need in the first instance be erected into Municipalities—subdivisions of the territory being afterwards made from time to time to meet the needs of an increasing population. If each Municipality were empowered

to make such police and sanatory regulations as may be necessary for the good order, health, and convenience of the principal towns of the Colony; to undertake all necessary works for improving the accommodation of the harbours and the navigation of rivers; to make and repair highways and bridges; to establish ferries; to provide for the erection and management of pounds and slaughter-houses; and to make regulations for the fencing of land and the impounding of cattle: and if, at the same time, power was given them to levy rates and to impose tolls, and to make such byelaws as might be necessary for carrying their several powers into effect; and if, in aid of local improvements, each Municipality were entitled to receive a determinate portion of the general revenue; ample provision would be made for the government, not only of the principal Settlements, but of the outlying districts; the evil of a diversity of laws on important subjects would be effectually prevented; and local self-government amongst the Colonists would, at the same time, be largely extended.*

* A reaction against the Provincial System established by the Constitution is already showing itself, especially in the outlying districts. A resolution was recently passed by the Provincial Council of Wellington, affirming the office of "SERGEANT-AT-ARMS!!!" to be "a useless and unnecessary pretension to grandeur." "We regard all these demands for 'Ministerial explanations,'" recently observed the *Hawke's Bay Herald*, "and the discussions consequent thereon, as part of the ridiculous system now so prevalent of apeing the Imperial Parliament in everything; and each additional meeting of a Provincial Council affords to our minds fresh proof of the absolute necessity that exists for reducing those bodies to their proper positions—that of Municipal bodies. At

Of the form into which the Constitution will ultimately be moulded, it would at present be premature to hazard an opinion. That some absurdities were committed in the first instance, in the working of the representative system, can hardly be surprising. A large proportion of the settlers had been little practised in the exercise of the elective franchise before leaving England; yet nearly the whole adult European male population were at once placed upon the electoral roll; and, notwithstanding the early efforts of the Local Government to interest them in the arrangement of their own local affairs, many of them were, in the first instance, but ill-prepared for the prudent exercise of the political privileges thus suddenly conferred upon them. What has been said of the effects of centralization in France may be applied to the condition of the Colonists of New Zealand at the time that the present Representative Constitution was conferred upon them—that having been unpractised in local self-government, and, for a period of fifteen years, subject to a Government in which they had no voice, and over which they had no control, they had been taught to look to the Government as the source from which to expect everything, and to throw on it all the blame of the wants which it did not supply, and the sufferings which it could not relieve; and that they had, at

present, country members are absolutely wasting their time; for instead of taking part in useful legislation they are mere onlookers of a game of party, in which they take no interest whatever."

the same time, been untaught those habits of self-reliance and self-government, and that practical experience and good sense, essential to the wise use of freedom suddenly acquired. It was the same want of Institutions giving the people control over their own local affairs, which was deemed to be one of the principal causes of the temporary failure of Representative Government in Lower Canada: for the inhabitants of that Province, it has been well said, were initiated into self-government at the wrong end; as those who were not trusted with the management of a parish, were enabled by their votes to influence the destinies of a State.

Broad and far-sighted views, however, on the subject can hardly be looked for among the mass of a young Colonial community, ignorant as yet of the "tyranny of a majority," and taught to attribute all existing grievances to the despotism of an Oligarchy. And not, probably, until they shall find how hopelessly individual or minor interests, not banded together by some bond of constitutional union, are at the mercy of a General Legislature elected by the popular voice, will they be brought to perceive that the true principle of limiting popular power is the apportionment of it among many different depositaries: that instead of confiding "the whole collection and distribution of all the revenues raised in any country for all general and local purposes, to a single Representative body, the power of local assessment, and the application of the funds arising from it, should be entrusted to *local* management;"

and that "a General Legislature which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have, and which must be destructive of every Constitutional balance."

CHAPTER XII.

POLITICAL PROGRESS.

The first Session of the General Assembly will long be memorable in the Constitutional history of New Zealand. Liberal as were its provisions, the new Constitution made no change in the principles on which the Executive Government of the Colony had previously been conducted; nor did it make provision for securing to the Executive any medium of communication with the House of Assembly. By the Royal Letters Patent issued to the Governor subsequently to the passing of the Constitution Act, it was provided, as before, that the Government should be administered by the Governor himself, under instructions from the Crown, with the advice and assistance of the Executive Council, consisting of the Senior Military Officer in command of her Majesty's forces, the Colonial Secretary, the Attorney-General, and the Colonial Treasurer. The Governor, however, was authorised to add to the Executive Council such other persons as he might deem to be capable and qualified to advise him; but such appointments were to be provisional only, and subject to be confirmed or

disallowed by the Crown. Both by the terms of his Commission and by the Royal instructions, the Governor, as formerly, was thus made directly responsible to the Crown; and no discretion was left to him either to delegate his authority or to relieve himself from responsibility in the conduct of the duties of his office. By the same instruments, the members of the Executive Council were also made responsible to her Majesty; and neither by the Constitution Act, nor by the instruments under the authority of which he administered the Government, was any provision made for enabling the Governor to establish the system of Ministerial responsibility in the Government of the Colony. Looking, indeed, to the provisions of the Act itself, and to the recommendations of the Committee of the Board of Trade and Plantations on the proposed establishment of a Representative Legislature for the Cape of Good Hope, it would seem to have been the opinion of the framers of the Act that it was not necessary that the Executive should be represented either in the Legislative Council or in the House of Representatives. Hardly, however, had the Assembly met, when the absence of any provision for securing that the Executive should be represented in the Legislature was seen to be a serious defect.

When the necessary measures for bringing the Constitution into operation had been completed, and after the Provincial Councils had all met for the despatch of business, Sir George Grey, at that time the Governor of New Zealand, proceeded to England

on leave of absence; and the Senior Officer in command of the Troops* became, *ad interim*, the temporary administrator of the Government. When he entered upon the duties of office, the crowning act for giving effect to the Constitution was still to be performed; and Colonel Wynyard would no doubt gladly have allowed the Assembly still to continue in abeyance, and would have left the responsibility of convening that body to the permanent Governor of the Colony. It was uncertain, however, when Governor Grey would return to New Zealand, or when his successor would be appointed; and, acting the bolder part, Colonel Wynyard promptly summoned the Assembly to meet at Auckland on the 24th May, 1854.†

Amongst the members returned to the House of Representatives on the occasion of the first General Election, there were several experienced, energetic, and able men. Conspicuous amongst them was Mr. Edward Gibbon Wakefield. Possessing acknowledged ability, the chief promoter of the Colonization of New Zealand, the founder of the modern school of colonial politicians, and a man who has been justly described as "one of the shrewdest of mankind,"

* Colonel Robert Henry Wynyard, C.B., 58th Regiment.

† Governor Grey left New Zealand on the 31st of December, 1853, and, soon after his arrival in England, was promoted by the Duke of Newcastle to the Government of the Cape of Good Hope: and his successor, Colonel Thomas Gore Browne, did not reach the Colony until the 4th of September, 1855. If Colonel Wynyard had not undertaken the responsibility of convening the Assembly, the Supreme Legislature of the Colony must have remained in abeyance for a period of two years longer.

Mr. Wakefield naturally filled a large space in the small Colonial Parliament. Although assembled from all parts of the Colony—some of them from a distance of more than seven hundred miles—thirty-three of the thirty-seven members attended the summons (two seats being vacant): and probably the popular branch of the New Zealand Legislature will not soon again assemble in greater strength, either numerically or intellectually. The formal preliminaries having been completed, the Acting Governor proceeded to open the business of the Assembly on the 27th May, in an elaborate Address, prefaced by a statement of the considerations which had induced him to summon the Assembly:—

"Holding office but temporarily; feeling myself bound not to embark in any measure which may embarrass the policy or affect the duties of the permanent Governor of the country; and believing that statesman-like qualities of a high order are needful for conducting to a successful issue the experiment in Constitutional Government about to be attempted in New Zealand, I might well have shrunk from the responsibility of calling together the first and most momentous meeting of the General Assembly. But, possessing the necessary legal authority, and seeing that her Majesty's subjects in New Zealand have a right to the exercise of the powers conferred upon them by the British Parliament, I felt that I ought not to allow considerations personal to myself to disappoint their expectations, and to delay them indefinitely in the enjoyment of their Constitutional

privileges; and, trusting that under the circumstances under which the government of the country has devolved upon myself, I may rely upon your friendly co-operation and cordial support, I determined to summon, and I have this day been allowed the memorable privilege of opening, the First Parliament of New Zealand."

The prompt action of the Officer administering the Government, in calling together the Assembly, was gratefully appreciated by the House of Representatives; who recorded their sense of the benefit which he had conferred upon the Colony by convening the Assembly at the earliest period after it became his duty to assume the government of the country. It soon became obvious, however, that the popular branch of the Legislature were rather intent on increasing their power over the Executive Government, than on securing the country, by the prompt exercise of their legislative functions, from a rapidly accumulating mass of conflicting Provincial legislation. Immediately after the adoption of the answer to the Acting Governor's opening address, a resolution was moved by Mr. Wakefield, "That amongst the objects which the House desires to see accomplished without delay, the most important is the establishment of Ministerial Responsibility in the conduct of Legislative and Executive proceedings by the Governor;" and the subject was discussed in a debate of three days' continuance—if debate it may be called in which no difference of opinion was expressed. By many of the Members, indeed, the subject was at that time

very imperfectly understood; but the way having been opened by the experienced mover's explanatory speech, every Member of the Representative Body followed the lead, and delivered to the House his sentiments on the subject: one member only, in a full House, suggesting the necessity of care and consideration in carrying it into effect. But the Amendment for a Select Committee to report upon the time and mode in which the principle of "Responsible Government" should be brought into operation, so as to guard the interests and promote the welfare of both races, was negatived by a majority of twenty-nine to one; and the original Motion having been carried by acclamation, was followed up by an Address to the Officer administering the Government, praying him to take the previous Resolution into his serious and early consideration. An Amendment was, indeed, moved, that the Crown was the only proper and competent authority to be appealed to on the subject; but the delay, even of a few months for reference to England, was distasteful to the then impatient temper of the House, and the motion for awaiting the decision of the Crown was rejected by a majority of twenty-five to two; and the Address, carried without a division, was forwarded for the consideration of the Local Government.

The proceedings of the House of Representatives, thus united almost to a man, were no doubt calculated, if not intended, to coerce the Government into compliance with their views. The demand thus made upon the Head of the Executive—for the all but

unanimous Resolutions of the Representative Body can hardly be regarded in any other light—was, that the Senior Officer in command of the Troops, taking advantage of the absence of the Governor, and without waiting for the sanction of the Crown, should alter the fundamental principles on which the Government of the Colony was conducted; that he should take upon himself the responsibility of accepting the resignations of the advisers appointed by the Crown; that, instead of administering the Government under instructions from the Crown, with the advice and assistance of a Council appointed by and responsible to the Crown, he should appoint to the principal offices of the Government, Members of the General Assembly, responsible to the Assembly, and carry on the Government of the country in obedience to their commands; that he should subject the native race to the dominion of their European fellow-subjects; and virtually surrender the powers of the Crown to the Representatives of a minority of the people.

The absence from the Legislature of the Members of the Executive, who might have explained the views and policy of the Government, was pleaded by the House of Representatives as a practical argument in favour of their demands. With a general desire on the part of the Members of the Assembly to overcome the difficulty, it would no doubt have been possible—as in the American Congress—to carry through both Chambers the measures necessary for giving effect to the policy of the Government; but in the absence of a co-operative spirit on their part, it was plainly im-

practicable successfully to conduct through the House of the Assembly the most ordinary public business. And with the whole of the Representative Body thus united in pressing their demands, the situation of the Executive was sufficiently embarrassing. It was not within the power of the Acting-Governor, however, to carry out their views: nor, had it been so, was it in the power of the House to enforce them; for, by an oversight in the Constitution Act, the House of Representatives had not at that time the power of "stopping the supplies." It was, no doubt, the intention that the then existing revenues of the Colony should be subject to the appropriation of the Assembly; but although such was the intention, the object was not accomplished, owing to an oversight in the framing of the Act; its provisions having been made to apply not to the revenues already arising under existing ordinances, but to future revenues, or, in the words of the enactment in question, to "the Revenues arising from Duties levied in virtue of any Act of the General Assembly."

On establishing Representative Institutions in the Colony, it would no doubt have been desirable that the Governor should have been in a position, if necessary, to call to his Councils, and to appoint to the principal offices of the Government, persons in whom the Colonists would confide to give free scope to the development of the new Constitution. And in the absence of any practical difficulty, the most simple course would have been to select from the Members of the Assembly those persons who enjoyed the con-

fidence of the Legislature, and to appoint them to the offices of Colonial Secretary, Attorney-General, and Colonial Treasurer; but the difficulty in the way of this arrangement, arose from the fact that the then holders of those offices held virtually permanent appointments from the Crown, which, in the absence of misconduct on their parts, they could not be called upon by the Acting-Governor to resign. It was not in Colonel Wynyard's power, therefore, either to change the principles of the Government or the persons by whom it was administered. It was competent, however, for him, under the provisions of the Charter, to add to the Executive Council such other persons as he might deem qualified to advise him: and this was the only constitutional means in the power of the Acting-Governor of establishing a medium of communication with, and of securing the representation of the Government in, the two Houses of Assembly. It was foreseen, indeed, that the formation of a mixed Government, with a divided allegiance—some of its members being responsible to the Assembly, and others to the Crown—was not without objection, and that its practical working would not be unattended with difficulty and inconvenience. But, from the recent debates, it was obvious that the popular branch of the Legislature was not prepared to acquiesce in any arrangement for the conduct of the public business in the Assembly which should render unnecessary the presence in the Legislature of any representative of the Executive Government. Looking, therefore, to the views and

expectations of the members of the Assembly; seeing the strong tendency to Provincial independence; believing that, if the General Government were not strengthened, the central authority would become virtually powerless; and that if the power of the General Government were not then increased, the opportunity would be lost of limiting and defining the powers of the Provincial Executive; seeing, too, that the tempor of the House was as yet moderate, and that there appeared to be a disposition on the part of the members to work cordially with the Government, if met in a conciliatory spirit; and believing that ill-feeling, if once aroused, would be followed for years by a mischievous and unprofitable agitation, the Acting-Governor concurred with his advisers in believing that if the enlargement of the Executive by the appointment of Members having seats in and enjoying the confidence of the Assembly, would tend to promote harmonious relations between the Executive and the Legislature until the views of her Majesty's Government could be ascertained on the subject, he should, under all the circumstances of the case, use a sound discretion in thus exercising his Constitutional powers. The Mover and Seconder of the Address in answer to the opening Speech, were accordingly "sent for" by the Acting-Governor, and made acquainted with the course which, as a temporary expedient, he was prepared to pursue. "The Officer administering the Government has acquainted us," said the honourable Member who undertook to form the new Government, in com-

municating the result of their interview to the House of Representatives, "that he is prepared to carry out immediately the principle lately assented to by the House with respect to Responsible Government, so far as he is advised that it is in his power to do so: that is to say, to appoint some additional Members of the Executive Council, who shall be charged with the policy of the Government, but who shall hold their seats in the Executive Council only so long as they shall command the confidence of the Houses of the Legislature."

Four leading Members of the Assembly were accordingly added to the Executive Council. Without being appointed to any specific offices, they were entrusted with the duty of conducting the Government business through the two Chambers, and of preparing, and superintending in their progress, the measures that might be necessary for giving effect to the policy of the Government; and they took office on the condition of holding their appointments so long only as they should receive the confidence of the Legislature: the Official Members of the Executive—the Colonial Secretary, the Attorney-General, and the Colonial Treasurer—continuing to hold office until, consistently with a due regard to the public convenience, with their duty as the regularly appointed advisers of the Acting Governor, and as the servants of the Crown, they could with propriety retire. Colonel Wynyard had the satisfaction to find that the course pursued by him, in thus giving effect, as far as it was in his power to do

so, to the principle of "Responsible Government," proved satisfactory to the Assembly. The House of Representatives immediately agreed to an Address praying him to accept an expression of the satisfaction with which they regarded his prompt compliance with their desire; and the Legislative Council also, who had taken no part in originating the movement, "looking to the position in which the General Assembly was placed, did not hesitate to affirm that the Officer administering the Government had exercised a sound discretion in adopting the steps which were then taken." For a period of several weeks, the business of the session was carried on without difficulty in both Houses; and the most harmonious relations were established between the Executive and Legislative branches of the Government. It is due, however, to one of the members of the Legislative Council to record that from the first he foresaw and pointed out the difficulty of giving full effect to the principle of Parliamentary Government, in a country with a population not only so small as hardly to supply the requisite number of competent persons in circumstances to devote their time to public affairs, but so subdivided into detached Settlements widely separated from each other, that few can take office without breaking up their establishments and giving up a business or profession; so that the range of choice must practically be confined to those who may be settled about the Capital. "A London alderman," humorously observed the gallant member, "finds fault with his wife about the way his soup is pre-

pared. To remedy the evil, 'Responsible Government' is established in the family, and the cook and housemaid form the Ministry; but the work is badly done, and they must go out of office. The housekeeper and her assistants now take their places; but still there is dissatisfaction, and they must resign. But there is no third party in the House to take office; so the alderman is obliged to bring the cook and housemaid back again, and to have his soup peppered as they please."*

The newly appointed Members of the Executive received the entire confidence of the Acting-Governor, and the support of a working majority in the House of Representatives: but they soon became dissatisfied with their somewhat anomalous position; and before they had been two months in office they pressed the Acting-Governor to make further concessions: urging that the Colonial Secretary, the Attorney-General, and the Colonial Treasurer (proper pensions being provided for them) should immediately retire, and that the Government should be reconstituted on the ordinary responsible basis. In support of their views they urged that a formidable opposition had been formed in the House; that the Assembly would be unwilling to place in the hands of a Government over whom they had no control, the large powers proposed to be conferred upon the Executive by measures at that time before the House;

* The force of these objections has since been verified; and it is seen that the Members of the Colonial Legislature are too limited in number to admit of the free working of the responsible principle.

and that there was reason to believe that the House would not even grant the supplies, except upon the security that the Government would for the future be conducted in accordance with the will of the Assembly.

Satisfied that he had no power to establish Responsible Government in a complete form, and that he could not, without a violation of the Charter, undertake that the government of the Colony should be conducted in accordance with the will of the Legislature, the Acting-Governor refused to comply with their demands. "On assuming my present office," was his reply, "I found three recognised Government Officers as my advisers in the Executive Council. Circumstances occurred to induce me to introduce to that Council three members of the House of Representatives, and, subsequently, a member from the Legislative Council, making a majority of new members.

"I found also on coming into office the old form of general Government in existence. I am now called upon to form an entirely new form of Government, without even a reference to my Sovereign; thus throwing on me, during my temporary administration of the Government, a grave responsibility, which I am not prepared or disposed to bear.

"I have sanctioned the link between the Assembly and the Government, by the introduction of four members into the Executive Council; but I am not prepared to disturb the Officers appointed by the Crown, or in any way to establish a new form

of Government in the Colony of New Zealand without reference home.

"If the formation of a complete Responsible Government is in keeping with the views of the authorities at home, the arrangement is only a matter of time — a few weeks; if, on the other hand, it is not the wish of the Home Government, it is the more necessary I should wait instructions for my further guidance."

Neither on his own part, however, nor on that of his advisers, was there manifested any disposition personally to stand in the way of arrangements for increasing the strength of the General Government, and for establishing harmonious relations with the Houses of Assembly; but the members of the Executive Council were not prepared to advise the head of the Government to comply with those new demands. Nor were the time and circumstances favourable for making so sudden and complete a change in the administration of public affairs. Of our numerous possessions, there was not one which at that time required so much prudence and discretion on the part of its rulers as the Colony of New Zealand: the native race were still sensitively jealous of being governed otherwise than directly by the representative of the Crown; the Governor himself was absent from the Colony, and a single false step, or an ill-considered measure, on the part of the Executive would again have involved the country in a destructive native war. Colonel Wynyard's constitutional advisers, therefore, who had been in office

almost from the foundation of the Colony, and on whose prudence and experience he would naturally be disposed to rely, might not unreasonably believe that, in the midst of a threatening political crisis, they could not all leave the temporary administrator of the Government to a Council of new and untried men, without incurring the imputation of abandoning their posts, of bartering their places for a pension, and of deserting the Acting-Governor in the hour of need. They all, however, declared their readiness to retire from office, if called upon to do so by her Majesty's representative; but, under the circumstances of his position, they refused to advise him either to call upon them for, or even to accept, their resignations. Failing to move him from his original position, Colonel Wynyard's new advisers now resigned their seats in the Executive Council; and the new cloth which had been let into the old Government, being thus torn away, the rent was made worse.*

* It formed no part of the plan recommended by Governor Grey for the government of New Zealand that the power of the Governor, especially with reference to the native race, should be diminished; and that they should be handed over to a Government irresponsible to the Crown. If, instead of being promoted to the Cape, Sir George Grey had returned to New Zealand at the expiration of his leave, and had found that his *locum tenens* had taken upon himself to accept the resignation of the whole of the old Executive—to appoint their successors on a new principle and with a different tenure of office—and to alter altogether the principle on which, under the provisions of the Charter, the government of the country had previously been conducted, the consequences to all the parties concerned in so weak and short-sighted a proceeding may, especially by those who have any knowledge of Sir George Grey, be readily imagined. And yet, there were not wanting those who even stepped out of their way (Pōkanōn, the Maories call it,) and counselled

To guard against future misunderstandings, in case differences should arise between the Government and the Assembly, the terms on which the retiring Members had been admitted into the Government were designedly based upon a written memorandum, in which the views of the Acting-Governor and his advisers were stated at full length. Upon the face of this document, which contained the *ultimatum* of the Government, and which was printed and laid before the Assembly at the commencement of the session, it appeared that the Acting-Governor had no power, without the authority of the Crown, to establish the principle of Ministerial Responsibility in the conduct of the Government; and that it was intended that the principal Officers of the Government should, during the continuance of the session at least, remain in office. The late Members of the Executive, however, now alleged private understandings and promises, which, as they affirmed, had not been observed; and, irritated by the position in which they now found themselves, gave utterance, in their "Explanations" to the House, to railing accusations against their recent colleagues, charging them with perfidy and bad faith. Moved by the recitals of the retiring, or rather retired, Members of the Executive, a majority of the Representative Body, for a time, espoused their cause; the temper of the House was

the suicidal proceeding. By allowing himself to be beguiled, Colonel Wynyard would have gained a little short-lived, hollow popularity: but it would have been followed by a heavy penalty.

seriously ruffled, and the order and decorum with which the proceedings of the House of Representatives uniformly had been conducted, was now disturbed by fierce and angry debates.

The course pursued by the new Members of the Executive in thus inciting the House, was no doubt embarrassing to the Officer administering the Government, and calculated to embroil him with the Assembly at a critical period of the session; but the prospect of their retirement, if it was intended to do so, had no effect in altering Colonel Wynyard's resolution, and their resignations were at once, and conclusively, accepted. Fortunately for the Government, the Assembly was not sitting in the midst of an excited community. Amongst the Colonists themselves, not one in a thousand at that time could have explained even the meaning of the phrase "Responsible Government," and no desire was shown by them to see the principle introduced into the Government of the Colony. No public meetings were got up—no petitions were presented—nor was there any other demonstration of public feeling made upon the subject. What might be "death to the frogs" was but "play to the boys;" and, seeing the Government and the House engaged in a contest to the issue of which they were indifferent, the Northern Colonists were perfectly content to be amused spectators of the sport. Nor as regards the two contending parties personally, had they any decided preference. The Acting-Governor was indeed a man of popular manners, and with all classes

a general favourite; but the other Members of the Executive had been too long employed as the officers of an arbitrary form of government to be popular. The other party were the Representatives of the people, engaged in a struggle for popular rights; but the greater number of them were believed to bear no friendly feeling towards the Northern Province. Seeing the Members of the Government attacked in their absence, and by numbers, the public of the Northern Province, true to the national instinct, rather inclined in favour of what appeared to be the weaker party.

At the commencement of the session, Mr. Wakefield, as the leader of the movement for introducing the principle of Responsible Government, was followed almost to a man by the whole of the Representative Body; but the partial concession, promptly made by the Government, had the effect of dividing this apparently formidable and compact array: he had since become the leader of the opposition, by whom the new members of the Executive feared to be defeated: and, in accordance with the system which the House of Representatives was so impatient to see introduced into the government of the Colony, Mr. Wakefield, according to Parliamentary usage, was sent for to advise on the formation of a new Ministry; and for several days he continued in communication with the Government, as a temporary adviser. Mr. Wakefield was much too formidable to be lightly made into an enemy; and so long as he continued to be simply a member of the House, the true feelings

of a large portion of the members towards him were concealed by a cloak of reserve; but no sooner was he seen in a position of influence, than all reserve was thrown aside. Courted, fawned upon, and flattered, but scarcely ever trusted, at the commencement of the session, Mr. Wakefield was now assailed in the House in the most violent and most opprobrious language, transgressing even the license of Colonial debate; and the position which he now temporarily occupied, served to demonstrate unmistakeably that, by a large majority of the Representative Body, he was regarded with mistrust.

Only a few days previously, the old régime had been fiercely attacked and formally denounced as incompetent, if not actually dishonest, and as utterly unfit to be any longer trusted with the government of the country. But the House now found in Mr. Wakefield a "lower deep," and besought her Majesty's Representative again to have recourse to the old Executive. Under the impression that Mr. Wakefield had represented the Acting-Governor as guided by his (Mr. Wakefield's) sole and exclusive advice, and not by that of his regular constitutional advisers, the House became sincerely alarmed, and formally addressed the Acting-Governor on the subject. "We dare not hesitate to pray your Excellency," said their address, "to have recourse to the advice of your Executive Councillors, who, by her Majesty's instructions and the rules of the Constitution, were appointed as your Excellency's advisers in all matters of importance—Councillors

who are sworn to advise your Excellency rightly, and who will be responsible to her Majesty, to your Excellency, to this House, and to the Colony, for the advice they may give."

It was, no doubt, somewhat galling to find their former leader now arrayed against them: but the apprehensions of the House were without foundation; and the Acting-Governor assured them that no step had been taken by him under Mr. Wakefield's advice, which had not also the concurrence and support of his sworn advisers.

The language of the Addresses presented to the Acting-Governor had hitherto been temperate and respectful; but the House of Representatives now, in a menacing address, attempted to coerce the Government into compliance with their demands; and, presuming on the supposed weakness of the Executive in the absence of Governor Sir George Grey, "The Commons of New Zealand, in the House of Representatives assembled," now blindly committed themselves to the contest. A sweeping onslaught was made on the condition and management of every department of the State; the whole organization of government was denounced as being in a state of weakness and disorder, demanding strong and immediate remedies; and the Acting-Governor was asked, whether he would deem it wise to carry on the government with his present officers against the declared judgment of the House? He was menacingly called on "to rescue the Colony from its alarming difficulties, by the immediate establishment

of the Executive Government on the basis of complete Ministerial Responsibility."

In demanding that, without the authority of the Crown, the Acting-Governor should himself establish "Ministerial Responsibility in the conduct of legislative and executive proceedings by the Governor," the House of Representatives committed themselves to an unequal contest, and assumed a position which they were unable to maintain. Relying on his loyalty and discretion, the Charter expressly provided that, in the absence of the Governor, the Senior Officer in command of the Forces should exercise the duties of the office; and after hearing the advice of Councillors appointed by and responsible to the Crown, that he should conduct the government of the Colony to the best of his own judgment and discretion. But the House now demanded, not only that the temporary administrator of the government should part with the Officers appointed by the Crown, and responsible to the Crown, and replace them by Members of the Assembly independent of the Crown, and with a different tenure of office, but that, instead of exercising his own judgment, he should act according to their dictation; and that, instead of being governed, as the Constitution prescribed, by the Representative of the Crown, the Colony should in future be governed in accordance with the will of the Assembly. By giving way to a temporary clamour, the Acting-Governor might, indeed, for a brief space, have abandoned the powers and duties of his office to the General Assembly; but he could not have bound the Crown or his

successor; neither could he have established any abiding principle: to their summons to surrender there was but one answer from an honourable man —and that answer, with no uncertain sound, was promptly and gallantly returned. "By his Message, No. 25, the Officer administering the Government informed the House that he believed himself to be absolutely precluded by the Royal Instructions from establishing Ministerial Responsibility in a complete form; and not anything contained in the present address from the House is calculated to lead him to a different conclusion. His sense of duty absolutely forbids him to make the concession now required, in terms of the most positive character; and he has only to repeat the settled conviction of his mind, that by yielding on the point of duty he would deserve the censure of her Majesty, and incur the disapprobation of the Colonists of New Zealand."

The firmness exhibited by the Government by no means soothed the temper of the House; and all prospect of accomplishing during the session any useful measures of legislation appeared to be at an end. Angry speeches, personal altercations, and violent resolutions engrossed the time and attention of the House; and it now met from day to day to no other purpose than to keep alive excitement, and to add fresh fuel to the flame. On the 17th of August, a conciliatory Message (No. 32) was sent down to the House by the Acting-Governor, conveying the expression of his regret that all prospect

of importing some degree of Ministerial Responsibility into the Executive Government, appeared to be at an end; expressing his hope that legislation by the General Assembly might, nevertheless, not be indefinitely suspended, and that a majority of the House might yet, after reflection, be willing to co-operate with him in passing laws which were greatly needed: intimating, at the same time, his intention forthwith to prorogue the Parliament for a short period; and promising during the short recess to endeavour to add to the Executive Council such a number of persons, being Members of the Legislature, as should give to all the Provinces an effectual voice and influence in both the legislative and executive proceedings of the head of the Government; and assuring the House that he would despatch without delay an earnest request to her Majesty's Government that they would take the necessary measures for establishing Responsible Government in the Colony, according to the forms and usages of the British Constitution. Immediately after this Message had been read, the messenger was again announced, bearing a second Message, No. 33. According to the standing rules, whenever a Message from the Governor is announced, the business before the House must be immediately suspended, and the Message must at once be read. But not knowing what a Message might bring forth—irritated at the prospect of being prorogued, and wishing to make sure of time for recording a series of menacing Resolutions—it was resolved that the Standing Orders should be suspended; and, instead of

being read, the Message from her Majesty's Representative, was allowed to lie unnoticed on the table. The House then proceeded, in hot haste, to pass a number of Resolutions, daring the Government either to prorogue or dissolve the Assembly without asking for Supplies; directing the Speaker to warn all Receivers of public Revenues that the penalties of the law would be enforced against them, if they expended the Revenues without the sanction of the Assembly; and resolving that her Majesty be addressed forthwith to remove the Members of the old Executive. The minority left the House, or took no part: all pretence of deliberation was thrown aside; and, without notice—without a division—and before the ink was dry with which they were recorded—these, and several other resolutions of a like violent character, were put and carried. In the midst of these proceedings, a Member (one of the minority) entered the House, declaring that the Assembly had been prorogued; and a scene of uproar and confusion immediately ensued, but little befitting the character of a deliberative assembly. Order having at length been restored, and the defiant Resolutions having been hurriedly passed, Message No. 33 was now read; when it was found to convey official information that the Assembly was prorogued for a fortnight. During the whole period for which the Assembly had been in session, not a single enactment had been added to the Statute Book, and the labours of the first Session of the General Assembly of New Zealand were thus brought to an untimely and unprofitable end.

The proceedings of the majority were of so violent a character, and the general excitement was so great, that for several days after the temporary prorogation, all prospect of a peaceable termination of the struggle appeared hopeless; and it was probable that to allow the Assembly to meet again at the end of the fortnight would be simply to provoke a renewal of unseemly strife: indeed, for a while, there seemed no course open to the Government but to prorogue the Assembly *sine die*, and, in the meantime, (the existing Revenues, by an oversight in the Constitution, not having been placed at the disposal of the Assembly,) to carry on the strictly necessary expenditure, subject to their responsibility to the Crown. Mr. Wakefield, however, though declaring his own unwillingness to become a member of the Executive Council, resolutely endeavoured, but in vain, to strengthen the Government on the plan proposed in Message No. 32. But it was now evident that any Government whatever in which he was supposed even to have an influence would have been distasteful to a majority of the House; and amongst the minority, it was obviously impossible to find members for the several Provinces of sufficient weight and influence to secure for the General Government the confidence of the country: so, finding himself powerless, and believing that the Government was about to act independently of his advice, Mr. Wakefield now retired from his somewhat anomalous position. The circumstances under which he retired from the office of temporary adviser, have been minutely recorded

by himself, and the following graphic sketch of the closing scene will by many be read with interest:*—

MEMORANDUM.

Saturday Night, 19th August, 1854.

IT is impossible to report with exactness the particulars of a conversation which lasted for more than two hours; but I will endeavour to give a faithful account of the substance of what passed between Mr. Swainson† and me this morning, together with an occasional statement of particulars, so exactly impressed on my memory that I cannot be mistaken about them.

Presently after I reached his house, at half past eight o'clock, we sat down to breakfast; but I previously told Mr. Swainson of my fruitless pursuit of him yesterday afternoon, and that I had sought him in order to learn with what object it was intended to hold a meeting of the Executive Council on Monday next; because, though at the moment when the Governor informed me of the fact I attached no particular importance to it, yet, on reflection, I had become very desirous of knowing whether the meeting of the Council was intended only for the purpose of sanctioning the adoption by his Excellency of the several suggestions which I had made to him with regard to giving effect to the promises contained in the concluding paragraph of his Message to the House, *No.* 32. I also said, that something in his Excellency's manner, at the time when he told me of the intention to hold a meeting of the Council, had led me to fancy it just possible, though most likely I was quite mistaken, that some impression had been made upon his mind, since my previous interviews with him in the morning, unfavourable to the course of proceedings which I had recommended. I asked Mr. Swainson whether he knew that his Excellency had been visited the day before by a gentleman, whose name it is unnecessary to mention; and whether he, Mr. Swainson, had any doubt or hesitation as to the propriety of the course which I understood to have been determined on with his own cordial approbation. He gave me no direct answer, but asked several questions as to what had passed between his Excellency and me at interviews in the early part of yesterday. I answered these questions by describing exactly some suggestions which I had made to his Excellency, including that of a proposal to Mr. Whitfaker to take a seat in the Executive Council; all of which, I told him, the Governor appeared

* The surmises, suspicions, and impressions expressed by Mr. Wakefield must be received only as surmises, suspicions, and impressions.

† The Colonial Attorney-General, who was the principal medium of communication between Mr. Wakefield and the Government.

to me to adopt with the same frank and earnest approbation with which he had acted upon every previous suggestion of mine.

We then sat down to breakfast, without my having obtained any clear information as to Mr. Swainson's thoughts about the intended meeting of the Council. By degrees, however, which it is scarcely possible to describe, and by his very guarded replies to pressing questions from me, I got to understand that the scenes which took place in the House of Representatives on Thursday, had led him to think that the time was gone by for attempting to persuade the majority to be reasonable, and that the outrageous character of the new circumstances not only justified, but called for, a decision by the Government to re-prorogue the Parliament without any attempt to reconcile the Governor and the House of Representatives. As soon as I obtained a clear understanding of this view, I very earnestly dissented from it, going at length into the reasons which led me to think it highly impolitic; as respects, first, his Excellency's own position; secondly, the impressions of the Home Government with regard to his conduct as a whole; and, thirdly, the feelings of the Colonists, more especially in the Southern Provinces. We debated the matter for a long time. I contended, that any degree of misconduct by a majority of the House could not justify the disregard of promises made equally to the minority, and, virtually, to the Legislative Council and the people of the Colony; none of whom had behaved with any impropriety. After dwelling on this point of justice, I also urged what appeared to me the extreme impolicy of throwing up in despair the intention of making the General Government as responsible, as efficient for the good of the Colony, and as popular, as possible, in spite of obstacles presented by a majority of the present House of Representatives. I warned Mr. Swainson that, if an efficient and popular administration of the General Government were not substituted for what the Assembly ought to have done—if the Colonists were not satisfied of the sincere and earnest purpose of the Executive to proceed with useful legislation, if possible, and thoroughly to reform the Executive Administration, at all events—the ex-Ministers might be held justified in having retired from office, and in having called upon the House to insist upon the new concessions from his Excellency which are demanded by their address of the 15th instant. I assured Mr. Swainson, from my own knowledge of the Southern Provinces, that I had no doubt that the proceedings of his Excellency, down to that time, would meet with as general an approval in the South as that which existed amongst the bulk of the Northern community; but that if his Excellency now drew back, on the plea of the irregular and violent scenes which had occurred in the building of the House of Representatives after the prorogation, and failed to carry out the promises of his Message No. 32, then there would be extreme danger of successful misrepresentation in the Southward

with regard to his proceedings from the beginning; and that the ex-Ministers and their adherents would claim the policy of total inaction, which Mr. Swainson now favoured because some members of the House of Representatives had misbehaved themselves out of Session, as evidence to prove that, in originally advising his Excellency to concede a limited amount of Ministerial Responsibility, he had only yielded to a pressure with which he felt himself incapable of openly contending, and had always intended to seize the first plea and opportunity for breaking up the Ministerial arrangements made by himself, and getting the General Assembly dismissed with the disgrace of an utter failure on their part to do the Colony any service.

Mr. Swainson did not meet these arguments frankly; nor did he even express a positive dissent from them; but rather continued to repeat, in a variety of forms, his own impression that the time for doing any good with the General Assembly was gone by; that the plan of putting all things back into the state which existed before the Assembly met, would be justified to the Home Government by the scenes of Thursday, but that his own mind was not made up on the subject; that he only spoke of his first impressions; that he wished for time to reflect further; and that he thought the best course would be to wait for some days, and do nothing but watch the course of events.

This led me to revert to the intended meeting of the Executive Council, and to ask whether anything would be *done* then. I understood him to reply, though in a manner which precludes me from speaking positively as to the terms, that the subject might then be deliberated upon without any conclusions being come to. "And this," said I, "without my knowledge, as well as, at present, without that of the Governor, who, I am sure, would have told me if he had entertained any such purpose." I went on to explain (or rather to say, for no explanation was required), that my own position was totally altered by the disclosure of his opinions; that, until then, I had felt that he cordially approved of all the advice given by me to his Excellency; that I was well aware of his great influence in the Government, and of the natural dependence of the Governor on his long-experienced judgment; that I had not only believed, but had throughout acted on the belief, that his cordial concurrence and support to any course of policy was an essential means of its being successfully carried out; that I had behaved towards him with perfect loyalty in all my proceedings as the temporary adviser of his Excellency; that I had, till then, confided in the possession of his entire confidence and sympathy; but that I now found myself in danger of having my advice still received, but counteracted by his influence, and, what was of more importance, in danger of leading my political friends into the distressing position of accepting office on conditions which might not be realized, and of having to retire

with the mortification of being compelled to admit that they had been misled by my over-confidence in his sincerity, not to say entrapped along with me by his professions of entire agreement with me. I declared to him, in the most solemn terms, that I had never doubted his sincerity as an originating party to the arrangements made with Mr. Fitzgerald and his colleagues; but that I had never missed an opportunity of condemning them as imperfect and dangerous, because I believed that any change of mind on his part—any difference that might arise between him and them, or any new events that might change the aspect of affairs—would expose them to a mortifying defeat of all their objects in taking office. I told him that neither my belief in his good faith, nor any other consideration, would have induced me to sanction such terms as they adopted, unless there had been added to them some absolute guarantee that the legislative and executive policy of the new Government, whatever that might have been, would receive throughout his own unqualified support; that, in having lately consented to advise about forming a Government according to similar terms, I had been impelled by the hope of being able to assist in averting evils of the most serious character, and had been willing, with that object, to run some risk of advising my friends to enter into a position of danger; but that I had always intended to explain to them fully that they would take office subject, as a condition of their success, to his continued sympathy with our views, and his continued and earnest support of them in the conduct of all business; and that now, painful as it was to me to think of what would happen if his present view should prevail, I could not but rejoice at having learned before it was too late to keep my friends out of a scrape, that my own position was one of danger, from which I could escape only by immediately representing to the Governor my inability to be of any further service to him.

To all these statements Mr. Swainson still made no direct or positive answer. He seemed rather to evade than to meet them; throwing out suggestions of prudence, and caution, and patience, and the wisdom of taking time for reflection. My reply was, that the danger for myself and my friends was imminent; that, in prudence, I ought at once to leave him, and withdraw myself from the position of a temporary adviser; that if I continued in that position, conscious of the difference of views between us which was now manifest, I should have to share with him a responsibility which had hitherto been mine alone as an originating adviser, though the sworn advisers of the Governor had seen fit to concur in and support my suggestions after they were approved by his Excellency; that I was afraid of being drawn on by steps, imperceptible at the time, into a position of responsibility, without assurance that effect would be given to my suggestions; that I could not any longer tell my friends, as I had theretofore been able to do, that no

advice different from mine would be given whilst I was the ostensible adviser; that I should deceive the Governor if I met him again without explaining to him the state of my mind; that such an explanation could be of no use *per se*, because my apprehensions related, not to a difference of opinion with his Excellency, but to one with Mr. Swainson, which the latter alone could remove; and, therefore, that ordinary prudence prompted my instant retirement from a position which had become false, dangerous for myself and my friends, and of no avail for the Governor's service.

Mr. Swainson certainly tried to dissuade me from this purpose, by speaking of it as hasty and unreasonable; but when he found me immovable, he turned the conversation into another channel, and spoke of the possibility of some arrangement whereby the angry majority might perhaps be pacified. I will not pretend to repeat his words. At first, I attached no particular importance to them, but supposed that his object in talking was to substitute some abstract speculation for the unpleasant personal topics which had gone before. But, by degrees, after he had more than once mentioned certain things as perhaps good to be done, if one could do as one pleased, I felt, or at least imagined, that he was speaking about a future reality then in his serious contemplation as a possible alternative. A sort of hints were thrown out by him to the effect that some things extremely agreeable to the turbulent majority might be proposed to them on the 31st,—such as the appropriation of five-sixths of the General Revenue to the Provinces, and the absolute transfer of the waste lands to the actual Provincial Governments. Not a word about how a General Government was to be kept alive on one-sixth of the present Revenues: nor did he say a word either about waste lands' provisions against monopoly by speculation and in favour of the working-settler class, or about fresh elections in the Provinces before the Councils should be empowered to dispose of the waste lands: these being two conditions on which alone he well knew my support would be given to any Government or party. But, indeed, the topic of compromise with the turbulent majority was introduced and handled in such a way, that I must not speak of it as containing suggestions made by Mr. Swainson. I can only say of his language then, and of his far more distinct expressions of opinion about the policy of waiting inactive for orders from England, that he seemed to have in his thoughts two distinct policies, and to be endeavouring, not to recommend them to me, but to see what impression would be made on me by his suggestions of them as matters for consideration. They were spoken of at different times, and in such a way as to be perfectly distinct topics. The first is the policy of restoring all things to their state previous to the convention of the General Assembly, and waiting passively for decision and action by the Home Government; the justification being the conduct of

the majority after the prorogation on Thursday. The second is a policy of surrender to that majority, not of what they have demanded, but, along with a continued refusal of their demand for complete responsibility in the General Government, a surrender to them of the General Government itself, by means of unconditionally transferring the bulk of its functions and powers to the Provincial Governments; so that, whilst an appearance of having successfully resisted the demands of the majority should be kept up, the subject of dispute should be made not worth contending for, and those who compose the majority should be bought off by receiving, in a Provincial form, and in six parts, more power than they asked for when they insisted on complete Ministerial Responsibility in the General Government as a new concession required by new circumstances.

This latter scheme, though it appeared to me very ingenious as a means of enabling his Excellency to surrender with an appearance of victory, could not fail to strike me as being diametrically opposite to the policy of (what I have always deemed) ultra-centralism announced in the Governor's speech at the opening of the late session; and as being a return to the opposite extreme, so much favoured by Sir George Grey's latter proceedings, of annihilating, except in name, the General Government of New Zealand, with its monarchical forms, and setting up six Provincial Republics, so as to destroy the unity of the Colony. It appeared to me like a virtual surrender, not merely to the majority, but to that portion of it which rejoices in the present break-down of the General Assembly, as tending to realize the menaces contained in the Address of the 15th, and in the resolutions passed after the prorogation on Thursday last, with respect to a virtual rebellion by the Provinces. It would, I repeat, be incorrect to say that Mr. Swainson laid this latter policy before me as a contemplated policy, or that he avowed, as with respect to the former plan of suspension of all action till the Home Government should decide, that he had any even merely theoretical predilection for it. In saying that it looked to me like proposing to sell the General Government to the Ultra-Provincialists and the Squattocracy of the Centre, in order to obtain for his Excellency and his present official advisers a show of victory and peace, I speak of my own impressions; but these impressions were produced by Mr. Swainson's words, which led me to imagine that such ideas were in his head, and therefore increased the alarm with respect to my own position as the adviser both of his Excellency and of my friends. I feel bound to admit that in this latter conception of his views I *may* have been mistaken; for his language was so admirably guarded, and its topics so lightly touched, and he so shrunk from any attempt of mine to lay hold of definite points and elicit a plainer statement from him, that a careless listener to what passed might not have been able to say that any such

policy was a subject of our conversation. If I have misconceived him in the impression which at any rate was made upon me, the mistake shall be acknowledged with regret whenever I shall become convinced of having fallen into it.

On the subject, however, of our relative positions: mine, as the present adviser of his Excellency and my friends—his, as one on whose cordial and unreserved support I felt it indispensable to rely—we came to close quarters in discussion. I implored him to tell me freely whatever was in his thoughts, earnestly assuring him of *my* readiness to consider without prejudice any mode of proceeding which he might think better than what I now thought best, and of my sincere wish for agreement with him on any point as to which we might differ. So long as these assurances were only general, he spoke earnestly of his desire to agree and co-operate with me. We talked in a familiar way about our contrary natural dispositions—his prudence or caution, and my fervour or impetuosity—his conservatism, and my democratic turn—his peculiar knowledge of things official, and mine of popular wants and feelings—as containing qualities which, if blended by a real sympathy of object, might enable us, acting like one person, to counsel his Excellency in the present emergency, and to serve the Colony afterwards, for some little time at any rate, better than any other two men in New Zealand, acting as one. But whenever I led to particulars, or rather made the attempt, Mr. Swainson appeared to me to shrink into the reserve of vague expressions, and we differed without my exactly knowing about what. At all events, I could not help admiring his masterly command of the conversation by means of the highest diplomatic ability.

Towards the end, I stated, in the plainest words, that my mind was entirely dissatisfied, and that after what had passed between us, unless we could get then and there upon a footing of real sympathy, I must inevitably write to the Governor, to assure him that I felt myself disabled from being of any further service to him.

Mr. Swainson deprecated such a proceeding, as uncalled for and hasty. In particular, he begged of me to take time for reflection; to wait and see what a few days might produce; to allow him time for making up his mind as to what course of policy would best suit the new state of things which the events of Thursday had produced. But I again explained that my danger was imminent; that, with a mind full of doubts and fears instead of confidence, I was bound to lose no time in making the Governor aware of my feelings and of their cause, and to avoid pretending, even for an hour, that I felt myself capable of advising beneficially, when my own persuasion was that my power to advise usefully had ceased at the moment when he (Mr. Swainson) entertained views which differed from mine, which he had not spontaneously

communicated to me, and which even then I did not distinctly comprehend.

It was thus that we parted. In the whole conversation, not an angry or impatient word was uttered by either of us. We shook hands at his door, mutually promising that our difference on this public matter should not be the cause of any personal ill-feeling on either side towards the other.

In the course of the long interview, many topics were mentioned incidentally; but as they have no important bearing on the main subject or the results of our discourse, I abstain from adding them to this already voluminous memorandum.

(Signed) E. G. WAKEFIELD.

Satisfied that he could no longer be of service, Mr. Wakefield, at the conclusion of the conference, at once retired from the position of temporary adviser; receiving the grateful acknowledgments of the Acting-Governor for the zeal and ability with which his services had been rendered.

The prompt action of the Government in proroguing the Assembly took the majority of the Representative Body by surprise; but it was evident that, so long as the members could meet in the House, irritation and excitement would be kept alive, without a moment's time for cool reflection; and the course pursued by the Executive, in temporarily proroguing the Assembly, was followed by the most complete success. At first, the members could hardly realise the powerless condition to which they had been suddenly reduced, by having the doors of the House closed against them. The most influential portion of the press denounced their violent proceedings; the community by which they were surrounded were indifferent, if not actually hostile to them; not a single expression of public sympathy was given in their

favour, nor was a single public meeting got up in their behalf: and with reflection, came the unwelcome conviction that the Government were, in fact, masters of the situation; that the sinews of war were in their hands; that the revenues of the Colony were neither *de jure* nor *de facto* subject to the approbation of the Assembly, and that if the Assembly refused to proceed with the business of the session, the Government were prepared to incur the responsibility of applying the public Revenues to the maintenance of the public service. Under these circumstances, and with time for reflection, the members of the House could hardly avoid the conclusion that they were engaged in a hopeless contest. Private and personal considerations, too, with many of them, were probably not without their weight. It had always been intended that a sum to defray the expenses of the members should be placed upon the estimates; but the supplies had not been voted, and not a single measure of public utility had been passed. Their travelling expenses, and the cost of living three months from home, amounted to no inconsiderable sum, and to many of the members was a matter of serious consideration. The prospect of returning to their constituencies at their own charges, and without being able to point to a single useful measure as the result of their deliberations, was not without its sobering effect, and proved to many of them no pleasing subject of reflection. Their fear also of Mr. Wakefield's ascendancy had been removed, and his retirement had the effect of paving the way for

the restoration of a better feeling towards the Government on the part of a majority of the members; so that before the end of the short recess all idea of further contest was abandoned by them, and how to retrieve themselves from the dilemma became the subject of common thought. Having ascertained, through various channels, that, if allowed to meet again, the House would proceed with the business of legislation, and vote the necessary supplies, the Government determined that the Colonial Parliament should re-assemble at the expiration of the period for which the Assembly had been prorogued.

Mr. Wakefield had now ceased to act as adviser in the emergency; but the party who acknowledged him as their leader still believed that a mixed Government might be formed which could successfully conduct the government of the country; and that, if represented in the Executive Council, they could themselves devise and carry out a course of policy so obviously beneficial to the Colony as to secure for the Government so formed the support of a working majority in the Assembly. If the policy to be announced by them failed to obtain the support of the House, their course would probably have been still to continue in office, to have dissolved the Assembly, appealed to the country, and, on the strength of their popular policy, to have endeavoured to secure the return of a body more favourable to their views. The Government, however, were not prepared to retain permanently in the Executive Council members who should be proved to want the confidence of the

Assembly. Four members of the minority were however appointed to the Executive Council, on the condition that if the course of policy, to be at once announced by them, should be met by a vote of want of confidence on the part of the House, they should immediately retire: and hardly had their appointments been gazetted than their resignations were announced. On the re-assembling of the House at the termination of the recess, their policy was formally announced to the Assembly, and if it had been the perfection of human wisdom, it would have been, under the circumstances, no less summarily rejected. Almost without discussion, it was put to the vote, and negatived by a decisive majority—the House agreeing to an amendment, "That a mixed Executive, as then constituted, composed in part of irresponsible officers, and in part of members drawn from a small minority of the House—a Ministry constructed on a delusive theory of representation of Provincial interests—was a form of government in which the House declared its absolute want of confidence." Nothing, therefore, remained for the Ministers of a day but to tender their resignations; which were immediately accepted. Thus the majority, Mr. Wakefield, and the minority, each in turn had now made the attempt; and it had been experimentally demonstrated, by a kind of exhaustive process, that, consistently with the powers of the Acting-Governor, no better form of government could at present be established than that which was in existence when the Assembly first met. The same majority (consisting of the same persons) of

twenty-two to ten, who on the 15th of August had denounced the Government as weak and incompetent; who had discussed whether the Acting-Governor "would deem it wise to return to the original state of things, and to attempt to carry on the government with his present Officers;" and who, on the 17th of August, resolved to pray her Majesty forthwith to dismiss them; and who had all but threatened to stop the Supplies—on the 1st of September agreed to a mild and conciliatory address, praying that the "cook and housemaid" might be reinstated in their places, and recording the opinion which the Government entertained from the outset, that until "Responsible Government in a complete form should be established by competent authority, the Executive Government of the Colony should be continued as formerly, under the exclusive management of those public Officers who at present derive their authority from and are responsible to her Majesty:" and at the same time declaring their readiness "to grant supplies to a Government conducted by the old Executive Officers." Considering the defiant attitude assumed by the House at the opening of the session, such a result could hardly have been anticipated. It has been imagined, indeed, that the whole plan of the Parliamentary campaign was predetermined on the part of the Government from the outset: seeing the whole of the Representative Body deliberately arrayed against them; that the Government had determined, instead of giving battle while the House was united as one man, first to divide them, and then to encounter the

broken parties in detail; allowing each in succession to occupy a position which it was foreseen they could not hold, in order that having all satisfied themselves experimentally of their inability to effect any organic change, they might once more unite, but now to devote the remainder of the session to the practical business of useful legislation. It is more probable, however, that, confident in the possession of the sinews of war, the Government simply met with firmness each emergency as it arose; that they took no step without first making sure of their ground; that they took up no position without being certain they could hold it; and that, having chosen their ground, they had always firmly maintained it. Be this, however, as it may, Colonel Wynyard had always been ready to bury past differences in oblivion, and the pacific overtures of the House were met by him in a conciliatory reply. The old *régime* having been restored by common consent, all parties set themselves assiduously to work on the real business of legislation; and, on proroguing the Assembly, the Acting-Governor was able to congratulate its members on the amount of useful legislation they had accomplished during the brief period which had elapsed since the commencement of the session: and in the course of little more than six months Colonel Wynyard was enabled to inform the Colonists that her Majesty's Ministers had sanctioned the establishment of "Responsible Government," subject to the single condition that provision should be made for those Officers of the

Executive who had accepted their appointments on the understanding of their permanence.

But the House of Representatives had now become less eager on the subject. There was no repetition of the Resolution, "That amongst the objects which the House desired to see accomplished without delay, the most important was the establishment of Ministerial Responsibility." Upwards of a year before, the House had impatiently negatived, by a majority of 25 to 2, a motion for the short delay for a reference to England. Now that competent authority had been obtained, the House, by a majority of 16 to 3, put a stop to the progress of a necessary preliminary measure for bringing the principle of Responsible Government into actual operation, and agreed to a Resolution, "That seeing that it is intended to defer the introduction of Responsible Government until after a dissolution of the Assembly and a re-election, this House is of opinion that it is desirable to refer the question of providing compensation for retiring Officers for the next Assembly." The eagerness for "Responsible Government" seemed to have changed sides: the Government pressing forward, the House making difficulties and suggestions for delay; and it is doubtful whether, if there had not now arisen a little gentle pressure, the old form of government might not have existed to this day. At the commencement of the Session, however, the Acting-Governor informed the House that it now only rested with themselves to take the necessary steps; and at the conclusion of the

Session, Governor Browne, who had just arrived in the Colony, distinctly declared that he should hereafter defer all subjects of importance, not requiring immediate attention, until the contemplated change in the Government should have taken place: and with the old Executive still in office, without any official medium of communication between the Government and the Legislature, the business of the Assembly was easily conducted through the two Chambers, and the short session of 1855, without being fruitful of much actual legislation, was brought to a peaceful close.

The establishment of Ministerial Responsibility in the Government was not contemplated when the first Assembly was elected; but as the two principal offices of the Executive Government were henceforward to be filled by members of the Assembly, it was fitting that the Colonists should have the opportunity of returning to the Legislature the persons whom they might deem most fit to be entrusted with the government of the country: and the Assembly was dissolved in order that a fresh election might take place. On opening the new Parliament (April, 1856), the Assembly were again reminded by the new Governor that to enable him to call to his Council advisers possessing the confidence of the Legislature should be their earliest care, as the corner-stone on which all other legislation should be built; and that, as an indispensable preliminary, provision must be made for the retirement of the old Executive. With the proceedings of the first session fresh in their memories, it was hardly to be expected that some of the Members

of the House of Representatives would be very zealous in taking the necessary step for securing retiring pensions for their old antagonists; and by those by whom feelings of personal animosity were still cherished, various attempts were made to avoid providing pensions for the retiring Members of the Government, and, failing in that attempt, to reduce as low as possible the amount: indeed, proceedings were resorted to by a few, of which the greater and the better part were probably ashamed. There being no longer, however, any hope of escaping the Pension Bill; attempts were now made by the same persons to render it a nullity; and vague charges of misconduct against the retiring members of the old Executive were actively insinuated. Since the meeting of the House, said Governor Browne, "I have for the first time heard definite accusations, which could be recognised, against the gentlemen whose retirement is in question. I have no desire to shield them: if they have been guilty of any malversation of office, and if the House will furnish me with sufficient proof, I will recommend the Secretary of State to remove them summarily, and without pension." The authors of these insinuations would probably have been satisfied if the public had been left to receive them without proof; but after the free offer of a full and fair inquiry there was no escape: two Select Committees were accordingly appointed: 1. To inquire into "alleged malpractices connected with the administration of Sir George Grey's Land Regulations:" And 2. "Whether the loss incurred by the defalcation of a Revenue Officer

was attributable to the neglect of the pensioned Officials; and on other matters referred to them." The time for making their report was long delayed by the first Committee, and repeatedly postponed; and but for a little gentle pressure would probably never have been made. Compelled at length to report their proceedings, the Chairman of the Committee, who had been put forward as a promoter of the accusation, had to report, to the great amusement of the House, "That after careful inquiry, the Committee exonerates the late Officials from any malpractices in reference thereto." The other Committee also reporting that they "were not prepared to recommend that the late Colonial Secretary should be held liable for the loss; and that the circumstances of the other cases which had been carefully investigated, did not, in their opinion, establish any charge against them." By no other means, and in no other way, was it possible that the groundlessness of these insinuations could have been so satisfactorily established as out of the mouths of their promoters; who, after careful investigation, were compelled to report that they had been proved to be untrue.

The measure providing for their retirement having become law (May 7th, 1856), the Members of the old Executive were superseded by Members of the Assembly, who were appointed to office on the responsible system. Of the general theory of "Responsible Government," and of the extent to which it has been brought into operation in New Zealand, some account will be found in the following chapter.

CHAPTER XIII.

RESPONSIBLE GOVERNMENT.

THE principle of Ministerial Responsibility, as applied to the government of our Colonies, is of modern date. During the infancy of a Colony, its form of government is that of an absolute Monarchy. The Governor is appointed by the Crown; and he is advised (though not bound to act on their advice) by a Council, also appointed by and responsible to the Crown: neither over the Executive or Legislative branches of the Government have the Colonists any effectual control. But when a Representative Constitution has been conferred upon them, the Colonists are not long satisfied to be governed by an Executive irresponsible to themselves; and having secured the power of making the laws, their next great object is to obtain the power of controlling their administration and execution.*

* The Colonial Office divides her Majesty's colonial possessions into seven classes, viz.:—our North American, West Indian, European, African, Indian Ocean, Australian, and other possessions; and under these heads are enumerated no fewer than forty-four distinct and separate dependencies—exclusive of the Ionian Islands, which are under British protection by the Treaty of Paris, of the Channel Islands, and

Before parliamentary, or "responsible,"* government is established in a Colony, the representative of the Crown both reigns and governs: he fills up all appointments to vacant offices, determines upon the

of the Settlements with which the East India Company was charged in the Indian Archipelago. Of our forty-four Colonies—using that word as generally applicable to all her Majesty's foreign possessions—only nineteen were originally formed by British settlement. The other twenty-five we have obtained by conquest, by capitulation, by cession, or by treaty, on the conclusion of successful wars. In 1704 we acquired Gibraltar; in 1760, Canada; by the treaty of peace in 1763, Dominica, St. Lucia, St. Vincent, Grenada, Tobago; in 1796, Ceylon; and, in the following year, Trinidad. In 1800 Malta became ours; in 1803, Guiana; in 1806, the Cape of Good Hope and Southern Africa; in 1807, Heligoland; and in 1810, Mauritius. Nor do these represent all. At a much more recent period the Chinese war yielded Hong Kong, and in the Indian Archipelago the British Crown added, by cession, the important little settlement of Labuan to the dependencies of Singapore, Malacca, and Penang. With the exceptions of Gibraltar, British Kaffraria, and Heligoland, there is in all British colonies an established Legislature, consisting of the Governor and one or two legislative bodies.

The Colonial Office divides the colonial Constitutions of the British empire into eight classes. First, there are ten Colonies with Representative institutions on the old West Indian model of Council and Assembly: consisting chiefly of the Leeward and Windward Islands. Secondly, there are seven Colonies on the same model, but in which a higher degree of development has been attained, in the separation of the Legislative and Executive Councils: of which Nova Scotia, New Brunswick, and Jamaica are the most important. Thirdly, there are two small Colonies in which the same model has been changed by local enactment into a single Council. Fourthly, there are six Crown, or conquered Colonies, with a single Legislative Council nominated by the Crown. Fifthly, there is the Cape of Good Hope, in which the Crown has wholly ceded all its legislative rights, and allowed the Colony itself to choose its own form of government. Sixthly, there are the three dependencies before mentioned without Legislative Councils of any sort. Seventhly, there are the five great Colonies in which Representative Institutions and Responsible Government exist under Parliamentary enactment and local laws sanctioned thereby. And lastly, there are seven small Settlements with single nominated Councils.

* Ejectable, has been suggested as a more fitting term.

policy and measures of the Government, and his officers carry them into effect. He is entitled to command their advice, but he is not bound to act upon it; and in the exercise of his powers he is responsible to her Majesty alone. But when the principle of Ministerial Responsibility has been established, the Ministers themselves govern, and the Governor only reigns. Appointments are still, indeed, made in the name of the Governor, and all the executive acts are still nominally done by him; but it is as a passive instrument in their hands: the Governor's name now (*vox et præterea nihil*) has ceased to be a tower of strength. Not only have the reins of government been transferred from the Governor to the Ministers, but the Colonists are now virtually recognised as the ultimate source of power; and the Ministers are no longer responsible to the Crown, but to the Colonial Parliament. The Governor, indeed, chooses and appoints the Ministers, and he may at any time change them: he has, however, but a limited range of choice. They must not only be Members, but they must enjoy the confidence, of the Colonial Legislature; and when they cease to do so, he cannot long retain them in their places. Having absolute control over the public funds, the Representative Body, by withholding the Supplies, can compel the Governor to dismiss the obnoxious Ministers. Such is the theory of "*Responsible* Government" in its most complete form. It rests, however, on no written law: nor have the respective powers of the head of the Executive in a Colony and the Ministry

ever been defined. Even in England, where Parliamentary Government has been so long in operation, and so recently as the time of the late Sir Robert Peel, his acceptance of office was made to depend on the even then debated question, whether the personal attendants of the Sovereign (the Bedchamber women) should be appointed by the Minister or the Crown.* In our Colonial dependencies, where "Responsible Government" has been established, it has hardly yet been settled what is the position to be occupied by her Majesty's Representative:—whether he ought to occupy the place of the Sovereign, or some intermediate position between a Minister and a Monarch. In Canada,† where "Responsible Government" was first

* The meaning of a Ministry resigning now-a-days is, that the husbands retire, but leave their wives: half step out, the better halves stay in; and the usual formula, almost a technical expression, used by them that resign, when they say, "We only remain in office until our successors can be appointed," must henceforth be understood as signifying this—"We only remain in office until our wives and sisters can succeed in preventing any successors from being appointed but ourselves." It is really a most painful thing to be thus speaking of ladies at all in a public debate, or to discuss a question in which they are mixed up; but their position and their fortunes have become a matter of State. Ladies of the Bedchamber are now made public functionaries; they are henceforth converted into political engines—they are made the very pivot upon which the fate of a Ministry turns. No longer can a Government be formed as the wisdom of Parliament prescribes; the Ladies of the Bedchamber stand in the way of those statesmen to whom the Legislature has given its confidence. Those ladies have ceased to be the mere companions of the monarch's social hours; they are made state engines; they are become statesmen, though not clothed in masculine attire; and their power and their persons stand between the desire of Parliament and its gratification.—Lord Brougham's *Speech on the Bedchamber Question.* 1829.

† Lord Metcalfe held that the Governor of Canada could not give way to his responsible Ministers as he might if he were King, because the

transplanted, the principle, from accidental causes, was speedily pushed to its utmost limits: during the illness of Governor Sir Charles Bagot, the Ministers gained absolute power, and not only claimed the whole patronage of the Government, but disputed with his successor the power of appointing his own personal Staff. It was at a very critical period that Lord Metcalfe was appointed Governor-General of Canada, and "the Hero of Civil life" could not bring himself to believe that he had been sent to the Canadian Provinces, in a time of difficulty and danger, simply to become the instrument of the Canadian Ministers. Less able men, however, have subsequently been content to occupy a position of "dignified neutrality." *

Governor was himself responsible to the Government at home. Being morally responsible for the government of the native race, the Governor of New Zealand is especially bound to maintain an active control.

* "Nothing is more certain," said Judge Haliburton, addressing Lord Falkland, formerly Governor of Nova Scotia, "than that the late Lord Metcalfe and yourself were the only two men, either in the Cabinet or the Colonies, who understood the practical operation of the system; for while you ceded to the Provincial Assembly the entire control of its local affairs, you maintained your own position as the Queen's Representative: asserting your rights as an independent branch of the Legislature, and at the same time upholding the Royal prerogative. Those Governors, wherever situated, who have put a wider and more extended interpretation on the term than yourself, have become mere ciphers; while those who may wish to follow your example, will find that unwise concessions have rendered the task both hopeless and thankless." . . . "The last Governor, in the proper sense of the term, was the late lamented Lord Metcalfe. He struggled hard to maintain his rights, and uphold the weight and authority that ought to pertain to his station, and exhibited qualities of no ordinary nature in the unequal contest. . . . The task of his successors, if not so creditable, is at least more safe. Nothing is now expected from the Queen's Representative but to keep a good table and affix his name to such documents as are prepared for his signature!"—*The English in America.*

In Canada, Lord Metcalfe's conduct was narrowly watched by one of

In the case of the Cape of Good Hope, the Committee of the Privy Council, to whom the subject of a Constitution for the Colony was referred, repeated their opinion that "Responsible Government" was altogether unsuited to the circumstances of that Colony; being a system "that can never work with advantage except in countries which have made such progress in wealth and population, that there are to be found in them a considerable number of persons who can devote a large portion of their time to public affairs:" and it was accordingly provided by the Cape Constitution that certain of the principal Officers of the Government should be entitled to a seat in the Legislature, and to take part in the debates, but without the power to vote; thus securing to the Government the means of being heard and represented in the Colonial Legislature.

In the United States, also, where the Head of the Executive is himself periodically elected by the popular voice, the principle of Ministerial Responsibility is altogether unknown—all responsibility being centred in the President himself, who is the sole depositary of Executive power. The American Ministers of State, and, indeed, all the Officers of the Executive Government, are appointed by, and are responsible to, the

the shrewdest of mankind, with all his sympathies enlisted on the side of the party which picked a quarrel with Lord Metcalfe. Yet Mr. Edward Gibbon Wakefield, then a Member of the Provincial Parliament, published to the world a verdict in respect to those differences entirely in favour of the Governor-General; whose cool sagacity and simple, single-hearted honesty appear to have made a profound impression upon an observer, second to no man in his knowledge of human nature.—*Edinburgh Review.*

President alone; and instead of being members of Congress, responsible to Congress, they are expressly excluded by the Constitution from sitting in either House. The Officers of the Executive being prohibited by the Constitution from sitting in the Legislature, the President has no official organ to represent him in Congress; and his communications with the Legislature are necessarily conducted through the medium of messages alone.

So long as the Colonial form of Government continues to be that of an absolute Monarchy, the Governor has an arduous and harassing duty to perform: he is at all times, almost unavoidably, in a state of unpleasant relations with some portion of the community; and he is personally made the principal object of attack by the Colonial Press. In the ordinary discharge of his duty, he has frequently to thwart the projects of those who, regardless of the public interests, seek to promote their own aggrandizement; and even in the disposal of the patronage of the Government, he makes more enemies than friends; and, however popular he may have been at the commencement of his reign, he is soon surprised to find himself pursued with unrelenting malignity by a host of bitter enemies. Coarse and violent abuse is too common to have much weight; and even the most unscrupulous assertions are little heeded in the Colony itself, where the writer, his character and motives, are known and understood:* but the calumny

* In a remote Colony, not possessing Representative Institutions, a free Press is essential to public liberty. But the very freedom of the Press in our Colonies tends to impair its power. Before the introduction of

may find its way to England, and, if read, may possibly be taken for a truth. A Colonial Governor has not only to see himself daily held up to public odium, and to bear the trying responsibility of a difficult command, but has his life constantly embittered by the apprehension of being suddenly recalled—with his reputation damaged, and all his hopes of professional advancement utterly destroyed; and it needs but some public Company or Colonial Agent in England, ever ready to undermine him in Downing-street, to fill up the measure of his uneasiness. No man who fears responsibility, and who has a reputation to lose, should seek to become the Governor of an infant Colony. But in the older Colonies, where Parliamentary Government has been established, the office of Governor has attractions both for the able and ambitious, as well as for those whose *summum bonum* is the *dolce far niente*. With the introduction of Ministerial Responsibility, his position is entirely changed. From the Baltic to the Bay of Naples the transition is not greater nor more agreeable. It is now understood that, like the Sovereign, the Governor can do no wrong; and all the sins of the Government are visited on his Ministers. Instead of making common cause against the Governor, the Colonists are now divided amongst themselves, and absorbed in party contests; and the Governor is glad to beat his spear

free institutions, the whole Press of the country is commonly in opposition, and the note of censure is perpetually sounded; always, and without modification, in the highest pitch of which the instrument is capable. Like the tom-tom in Africa, from the constancy and monotony of the sound, it ceases in time to be either heeded or heard.

into a pruning-hook. With both the Legislature and the Press he has ceased to be the subject of attack; and except, in courtly style, to chronicle his movements and laud the magnificence of his entertainments, he is rarely mentioned by the public prints. To a man of ability and experience, possessing the attributes of a practised statesman, it is no doubt a sufficiently trying position to be seated on the box, and with the leaders all astray and kicking over the traces, to see the whip and reins in the hands of a tyro mounted by his side. If unambitious, however, and content to occupy a position of "dignified neutrality," the Governor, where the principle is in full operation, now merely reigns, and no longer cares to govern: he declares his indifference (and frequently with much truth) both to measures and to men; and on a break-up in the Colonial Cabinet, he politely bows out the retiring Ministers, and receives their successors with a smile. To have been the reviler of the last Governor is now no longer the surest passport to Vicercgal favour. Nor is the Queen's Representative now under the necessity of entertaining electioneering agents and political partisans, but leaves it to his Ministers to give Parliamentary dinners to their political supporters, and to the miscellaneous members of the Colonial Legislature. He is given to hospitality, however: receives distinguished strangers, and draws around him the *elite* of the community; contentedly accepting it as his mission simply to do the honours of the State. He is seldom heard of in Downing-street; becomes a favourite with the Colonial Office;

and, to the astonishment of his friends, finally achieves the reputation of a "model Governor." If, however, he be a man of experience, reputation, and acknowledged ability, he may still exercise the powers of government, and without its cares. Having satisfied his Ministers (*ce n'est que le premier pas qui coute*) of his real superiority, and yet that he does not seek for power, power is immediately thrust upon him, and he becomes their constant referee: his Ministers consult him on every occasion, and are unwilling to embark in measures of importance until they receive his approving fiat. They alone, however, appear upon the stage; they alone are responsible, and receive the praise or blame that may be due to the performance; and yet, unknown to the spectators, and it may be unconsciously to themselves, they may, after all, have been but puppets in the hands of the man behind the screen.

But the Governor of New Zealand, when the principle of Ministerial Responsibility has been but partially introduced, is in an unenviable and anomalous position. In the various forms of books, pamphlets, and Parliamentary Reports, no less than 20,000 8vo pages it is calculated have already been printed and published on the Colonization of the country: yet very little is generally known of the real condition, social and political, of its aboriginal Native Race—of their power and influence—and of the qualified character of their submission to British rule. No special provision was made for their government; and because, with few exceptions, they

take no part in the exercise of the elective franchise, nor exercise any influence on party combinations, it appears to have been assumed that they could form no difficulty in conducting the Government of the country. Without imposing any limitation or restriction, and without securing adequate funds and providing any guarantee for the special government of the Native Race by the Representative of the Crown, it was at once declared by the Colonial Minister, in answer to the representations of the Colonial Legislature praying that the principle of Ministerial Responsibility might be established in the conduct of the Government, that, "Her Majesty's Government had no objection whatever to offer to the establishment of the system known as 'Responsible Government' in New Zealand;" and the Governor, then recently appointed to succeed Sir George Grey, left England with full authority to carry the principle into effect.

On his arrival in the Colony no one could have been more earnest than Governor Browne in his desire to see the Representative Constitution which has been conferred upon New Zealand carried out to the utmost limit of its development; but he had hardly completed the tour of the Islands before he was satisfied that the New Zealanders are not only an intelligent, warlike, and well armed, but a still unconquered race; more numerous by half than the Colonists themselves, and hardly inferior to them as consumers of British manufactures, and as contributors to the revenue and exports of the Colony;

the acknowledged owners of the soil, jealous of their territorial rights, impatient of control, and by no means prepared to see themselves handed over to a Government composed of unknown individuals, not chosen by themselves and irresponsible to the Crown: and he soon discovered that her Majesty's Native subjects, and not the Colonists, were the only real "difficulty" in the government of New Zealand.*

Convinced by personal observation that, with reference to the government of the Natives, the tranquillity of the country would be endangered by "change of opinions consequent on a change of advisers," Governor Browne, while undertaking in all matters under the control of the Assembly to be guided by the advice of Ministers responsible to the Assembly, found it necessary so far to limit the application of the principle of Ministerial Responsibility, as, with reference to the Native Race, and especially in the purchase of Native lands, to propose to retain in his own hands the direction of Native affairs. In proposing to retain to himself, however unwillingly, so large a share of the cares and responsibilities of the Government, Colonel Gore Browne was fortified by

* While on a visit to the Waikato district, several of the chiefs formally addressed the Governor on the subject of the rumoured changes by which their minds had been disturbed. The main purport of their speeches was to urge that no alteration should be made in the administration of native affairs. That they preferred being under the direct management of the Governor; and that it was not just that the Maories should be placed entirely in the power of the white man; that salt water and fresh water do not exist well together; and that if their affairs were to be put into the hands of any Assembly, they should be placed in the hands of an Assembly consisting of their own race.

the opinions of the best informed persons in the country. He addressed a Circular communication to upwards of forty different persons in various parts of the Colony, of various political opinions, and of all ranks and conditions of life, but all having more than ordinary knowledge of the Native character, and of the temper of the Native mind, desiring their opinion:—Whether the management of Native affairs could be entrusted to a Ministry liable to be changed at frequent intervals upon political grounds? Or, whether the management of Native affairs, including the appointment of persons employed, and the disposal of funds sufficient for the purpose, should be reserved to her Majesty's Representative? The reasons assigned and the arguments made use of by those to whom the questions had been addressed were various; their conclusions, however, were all but unanimous. More than forty of the persons addressed gave a decided opinion that the management of Native affairs could not safely be left to a Ministry irresponsible to the Crown; and thought that the government of the Native Race should continue to be administered by the Queen's Representative; while two only, subject to qualification, arrived at a different conclusion. It was urged that the Natives of New Zealand, like Native Races in a similar condition, look more to the persons governing than to the principles on which the government is formed; that they value permanence and stability; and are sensitive on the point of being allowed to deal directly with the principal, rather

than with subaltern officers of Government: that the general animus of the Colonists is not favourable to the race, and that it is not probable that the members of any Responsible Ministry will be especially acquainted with the Native habits and feelings, or will be personally known to, or respected by the Maories: that as any especial attention to Native rights and interests will be by no means popular, the Ministers will not be induced to give any personal influence amongst them;* and that being left to be dealt with by subordinates, the Chiefs will gradually secede from communication with the authorities,

* Their measures for the improvement of the Native Race may be of no great practical value: but it is due to the Responsible Ministry who have been in office for the last two years, to state that they have shown no want of appreciation of the difficulty and the responsibility of their position as regards our obligations to the Native people.

"Before going into the details of the Bill by which we propose to meet the first deficiency in our existing institutions for the Natives, I will briefly develop the course of reasoning by which we were led to that measure. On the part of the Crown the promise has been made to the Maories, that they shall be one people with us,—one people, under one law. The magnitude of that promise it is hard to realise. It overwhelms me when I think of it. It implies a gigantic labour. But the promise binds the British Government in honour and conscience. It is a sacred promise. And, sir, I will say of our Government, that when we use those words, conscious as we are of their deep import, we mean what we say. . . . And I must say that I open this subject with different feelings, and under a very much heavier sense of responsibility than I have experienced in addressing this House during the present Session. In dealing with the Native question, we touch a matter of direct human concern—a vital interest of the Colony. To appreciate the difficulty of the subject, we must regard the work before us as an educational work: that brings out the difficulty:—any one who knows what a work it is to educate a single human child, may by that consideration rise to estimate the task before us. It is the education of a Race."—*Speech of the Colonial Treasurer on the subject of Native Policy.* Session 1858.

forming leagues and schemes in secret, of which the Government will have no cognizance. That they would thus become estranged, and that when they came to be feared and suspected, there would be the constant risk of the Governor being driven* by the Ministers to use the troops against them; and that the country would not be safe for six months after the question of peace and war had been entrusted to a Ministry, who had virtually the command of the Queen's troops, but who were themselves irresponsible to the Crown.

It was represented also that the Natives being very susceptible of personal attachment, if the officers employed in the Native department were to be ap-

* "I was at Taranaki," says one of the writers, "when the troops arrived in August, 1855, and I witnessed the great efforts made by individuals and the public Press to force the Military into taking part in the Native quarrel. And the debates in the House of Representatives," he adds, "at that date will show the general as well as the local animus." In the Session of 1858, a memorial was presented to both Houses of the Assembly from the Provincial Council of New Plymouth (Taranaki), containing the following representation:—

"That the system heretofore adopted by the Government, of requiring the assent of every claimant to any piece of land, before a purchase is made, has been found to operate most injuriously in this Province, on account of the conflicting interests of the claimants; and that the sufferers by this system are invariably the men who are most advanced in civilisation, and who possess the largest share in the common property. Your memorialists are therefore of opinion that such of the Natives as are willing to dispose of their proportion of any common land to the Government, should be permitted to do so, whether such Natives form a majority or only a large minority of the claimants: and that the Government should compel an equitable division of such common land among the respective claimants, on the petition of a certain proportion of them."

It is right to add, however, that these views received little or no support, either from the General Government or the General Assembly.

pointed and subject to removal by the Ministry for the time being, that few would remain in office long enough to obtain an influence over them: That a nation just emerging from barbarism cannot be advanced in the scale of social life by a mere negation of evil, and that a mere veto on the part of the Governor could only enable him to *prevent* injustice, but not to *do* good: That a Ministry chosen by and from the elected Representatives of the Europeans can have no claims to absolute authority over the Maori Race; and that while the Colonists claim for themselves self-government, Representative institutions, and irresponsible Ministry, they cannot in reason refuse to the Native Race that form of Government which they prefer: viz., that the management of their affairs should be left as heretofore in the hands of the Representative of the Crown. And that the just and generous course would be to ascertain what amount of annual Revenue is contributed by the Native Race; to pay into the General Treasury that proportion of the income which is due to works and objects in which both Races have a common interest; and to place the surplus at the disposal of the Governor for strictly Native purposes: thus placing the Native Race in the position of a distant Province paying to the General Government a certain portion of the Revenue, and retaining the remainder for its own local expenditure. Such were some of the reasons assigned for retaining still in the hands of her Majesty's Representative the immediate government of the Native Race.

The course proposed to be taken by Colonel Gore Browne in retaining to the Governor the government of the native population, received the approval of her Majesty's authorities; but no permanent provision has been made for the efficient maintenance of this divided rule. Before Representative institutions are established in a Colony, her Majesty's Representative is, in reality, what his name imports—the *Governor*. But when the principle of Ministerial Responsibility has been adopted, both power and responsibility are transferred to the Ministers; and the office of Governor, in the eyes of a semi-barbarous people, is liable to lose much of its dignity and importance. With the natives of New Zealand, especially, "fine feathers" by no means "make fine birds." It neither satisfies the masculine understanding of this sagacious people, nor is it their practice, to dress up a lay figure with feathers and red ochre, and then regard it as their king: the visible and vigorous exercise of power is absolutely necessary to sustain amongst them the character of a Chief. Few Governors, probably, will devote themselves, like Sir George Grey, to the study of the character and language of the Maori race; but a Governor who, by his friendly personal intercourse, and the even-handed justice of his rule, has gained their confidence and respect, if invested with the power and the means befitting the position of a Chief, may exercise almost unbounded influence on them; and, with the aid of a body of persons of character and social standing employed as Political Agents, would form a power in the country equivalent, for purposes of

peace and order, to a regiment of the Queen's troops.* For a variety of useful purposes, indeed, a Governor without funds is little better than a Steamer without fuel or a Ship of war without guns. Yet, subject to a charge of 7,000*l.* a year for Native purposes, the Revenues of the Colony are at the disposal of a Legislature in which the Natives themselves are not immediately represented, and over which they have practically no control; while the Governor of the Colony can carry on the management of Native affairs on his own responsibility, and by means of officers appointed by himself, only so far as he may be supplied with funds by an annual vote of the Colonial Legislature. Power and responsibility are thus divided; and, having been more than half stripped of his power, the Governor of the Colony is still left with the full burthen of responsibility: for whatever theory or practice may provide in the Colony itself, the Governor for the time being will be held responsible by the

* The *Native Department*, with a permanent head, has hitherto been in immediate personal communication with the Governor; and through the officers of that department, the Governor has been brought into communication with the Natives, and has been made acquainted with their wants. The proposal has recently been made to constitute a "Native Minister," with a permanent Staff: the office of Native Minister to be a political office, the Native Minister coming in and going out with the Responsible Ministry. The Native department will thus be withdrawn from the immediate control and superintendence of the Governor; the members of it will look rather to the Minister than to the Governor as their chief; and the Governor will be left with all the real responsibility for the management of Native affairs, unaided and alone. Whenever the troops shall be withdrawn from the Colony, the Colonists will probably see reason to regret the apathy with which they allowed the Natives to be furnished with arms and ammunition, and the personal influence of the Governor to be utterly destroyed.

British nation for the just government of the Native Race; and unless adequate means be secured to him, he will be in danger of finding, when too late, that he has been reduced to a condition of Egyptian bondage —condemned to make bricks without straw.

Nor has it been clearly defined, with reference to the government of the two Races, where the Governor's responsibility ends, and where that of the Ministers begins; and for any particular measure in which Native interests are concerned, it is frequently a matter of doubt with the Colonists themselves where the responsibility rests: indeed, nothing but the prudence, moderation, and good sense, of both the Governor and his Ministers in the practical adjustment of their official relations, can save the Colony from the evils of not only a divided, but of an uncertainly divided, rule. Of the actual value of the responsibility of Ministers themselves, as a safeguard against rashness, dishonesty, or injustice in the conduct of public affairs, the Colonists have probably never seriously set themselves to form an estimate. When a well paid office of honour and influence is held for life, subject to forfeiture for misbehaviour, the public have the best possible guarantee for the conduct of the holder; but when office is taken by him on the so-called responsible system, with the chance of being held but a few months, or at most but a year or two, the mere risk of losing it can have no great influence on his conduct. The so-called responsible Ministers may have been guilty of the most gross jobbery and corruption; they may have provoked by their rashness a war of

Races, and involved the country in the horrors of a Civil war; but by the time the evil is brought to light, they have probably already returned to the obscurity of private life, and the community are without the shadow of a remedy.*

It may be wise to anticipate the wishes of the people in the extension of political power; but the Colonists themselves had not so much as hinted a desire to have the principle of Ministerial Responsibility introduced into the very difficult government of New Zealand: and when the subject was mooted in the Assembly, the question involved principles which were altogether new to them. The movement, in fact, originated with two or three of the most active political leaders, and was entirely confined to the members of the popular branch of the Legislature: neither during the discussion of the subject in the House of Representatives, nor subsequently, did the Colonists themselves take any part. It is not improbable, however, that if the Petition of the House in favour of Responsible Government had been absolutely negatived by her Majesty's Government, the party leaders would have succeeded in inciting the Colonists to become so clamorous on the subject as to have ren-

* Even in England, Ministerial Responsibility, in a personal sense, is seen to be little better than a popular delusion. "If the popular element is to have any real weight in our constitution—if Ministerial Responsibility is to be a reality, a safeguard against imbecilities as well as against corruptions, those who undertake the office of Minister should see clearly before them that they may one day be called on to give account. They must be subject to give account, not to those who, under the sham of party opposition, have a fellow-feeling with them, but to a jury of the people themselves."—*Westminster Review.*

dered it difficult long to delay the concession. But there are not a few of the most intelligent amongst them, who regard the change which has been made in the principle on which the government of the Colony is conducted, as inconsiderate and premature: all are agreed that, whoever may be the depositaries of power, great tact, forbearance, and judgment must be used by those who exercise it. But whether, with its scanty European population, occupying numerous detached Settlements widely separated from each other, and surrounded by a powerful and independent Native Race but just emerging from a state of barbarism, New Zealand was in a condition to benefit by the introduction of a divided responsibility in the Government of the country, is now but an idle question; and the difficult problem, how best to harmonize the action of two different authorities in the Government of the same country, has still to receive its practical solution. However the respective duties of the Governor and the Responsible Ministers may be theoretically limited and defined, it may be received as a law, as constant in its operation as the law of gravitation, that the powers of the Governor on Native questions will constantly be liable to be limited and encroached upon by the popular Representatives; and that if the Governor is to hold his own, there will be a constant state of antagonism between the Representative of the Crown and the Ministers of the people. If the principle of Ministerial Responsibility in the Government of the Colony is to be anything but a name, it must extend to all questions in which the

peace of the country is involved; though Native interests may be concerned. On the other hand, if the influence of the Governor is to be maintained amongst the Natives, he must have the power and the means of promoting their interests, so far as they are clearly separate and distinct from that of the European population, independently of, and uncontrolled by, the Ministers of the day. The natives of New Zealand ceded their independence, not to the English settlers, but confidingly to the justice and wisdom of the British Crown; and the British Government became morally responsible for their just and paternal government. They know little and they care less about a Responsible Ministry—here to-day and gone to-morrow: a Ministry whom they hardly know by name, and for whom they can have no respect; but they are disposed to yield obedience to the Representative of the Crown; and for that reason it is expedient for the interest of both Races, that the prestige of the Governor should be carefully maintained, and that his administrative powers—so far, at least, as Native interests are exclusively concerned—should be free and uncontrolled. However the principle of responsibility may be practically apportioned in the Colony itself between the Governor and his Ministers, the Governor alone is regarded by the people of Great Britain as the responsible Minister for the government of the Native Race; and it is neither politic, generous, nor just, to hold her Majesty's Representative responsible for promoting their welfare and advancement, and at the same time to withhold from him the necessary means.

It is well known what great influence, during his lengthened administration of the affairs of New Zealand, Sir George Grey obtained amongst the Natives of New Zealand, and with what great ability that influence was exercised; but Sir George Grey could not have acquired that influence, nor could he have exercised it with so much advantage to the country at large, if his powers had been restricted, and if his prestige had been impaired by the control of a Board of Officers subordinate to himself.

Yet under all the difficulties arising out of the peculiar circumstances of the country the experiment of "Responsible Government" in New Zealand will bear comparison with that of the Australian Colonies, both as regards its practical success, and for the prudence, judgment, and moderation with which the change has been effected. The right man may not more frequently be found in the right place than under the old *régime*, nor may the country be in fact more ably governed; but henceforward political office can only be filled by Members of the Assembly: every New Zealand Colonist is now a possible Minister, Superintendent, or Member of the Colonial Parliament; and intending emigrants to New Zealand have at least the satisfaction of knowing, not only that the government of the country is substantially in the power of the Colonists themselves, but that there is not a single office in the State (that of the Governor alone excepted), to which all, without exception, may not equally aspire. And be the merits or demerits of the Constitution recently granted to New Zealand what

they may, "to preserve and advance in the scale of civilization the Native inhabitants of these islands —to develop the resources of a country rich in all the elements of future national greatness—to be the pioneers for its Colonization by the Anglo-Saxon Race—to lay the foundation of its Religious, Political, and Social Institutions—to give laws to the present, and to influence the character of a future, generation—will hereafter be the rare duty and the noble privilege of the new-formed Parliament of New Zealand." *

* Address of the Acting-Governor on opening the first Session of the General Assembly.

CHAPTER XIV.

THE CHURCH OF ENGLAND IN NEW ZEALAND.

Amongst the various religious bodies in New Zealand, the Church of England occupies a prominent position. Even in the mother-country, where the Church is "by law established," and to whose support all are called upon to contribute, there are not a few who, though dissenting from her doctrines, recognise in the Church of England a mighty instrument of good—"a Church dispersing throughout the kingdom educated men, commissioned to teach the truths which relate to the duties and destinies of men; to promote peace and good-will, to relieve distress, to comfort affliction, and to discountenance vice." It will be fortunate for the Colony, therefore, if—without Church Rates or Tithes; without levying a tax upon the substance, or doing violence to the conscience of any man—the members of the Church of England in New Zealand shall be so efficiently organized that wherever a small community are gathered together, some provision may be made for their religious worship and Christian instruction: that in every Settlement, as it springs up, provision shall be made for

the erection of a Christian temple, and for the maintenance of a Christian minister; and that each may have "not only its parochial or district pastor, but its chief pastor to watch over, and guide, and direct the whole."

Of the European population of the Colony, about one-half, and considerably more than half of the professing Christians amongst the Native Race, are members of the Church; and of the one hundred and forty Ministers of various religious denominations now stationed in the Colony, not less than seventy are registered as Ministers of the Church of England. Of the seventy clergymen of the Church, twenty-two were ordained by the Bishop of New Zealand: ten of them having been originally sent out by the Church Missionary Society in the character of catechists. Two of the clerical body are of the aboriginal Native Race.

List of "Officiating Ministers," 1858.

United Church of England and Ireland	70
Roman Catholic Church	21
Wesleyan Methodist Society	19
Free Church of Scotland	14
Congregational Independents	4
Baptists	3
Primitive Methodist Society	3
Presbyterian Congregations	2
Lutheran Church	2
Church of Scotland	1
Hebrew Congregation	1
Total	140

Like all other religious denominations in New Zealand, the Church of England is independent of, and receives no aid from the Colonial State: the

funds required for its support are derived from a variety of sources. Towards the maintenance of the Clergy in the English Settlements, a grant has every year been made, since the foundation of the Colony, by the Society for the Propagation of the Gospel in Foreign Parts; but this is a source of income which cannot be regarded as permanent. Real property in the immediate neighbourhood of Auckland, of the value of upwards of 20,000*l.*, and which some years hence will yield a fair annual income, is held by the Bishop of New Zealand in trust for Collegiate and Educational purposes; and upwards of seventy allotments of land in various parts of the Colony, but chiefly in the Northern Island, by various instruments—purchase deeds, deeds of gift, and grants from the Crown—are vested in the Bishop of New Zealand and his successors, as sites for Churches, Schools, Parsonage-houses, Cemeteries, and Mission stations, for the Endowment of Scholarships, and for other purposes in connection with the Church. It was a distinguishing feature in the scheme of the founders of the Settlement of Canterbury, that one-third of the proceeds of all the land sold by them should be set apart for Religious and Educational purposes; and a considerable sum has already been realised and invested for that purpose. Permanent investments on a small scale have also been made for similar purposes in the Settlements of Wellington and Nelson, under the operations of the New Zealand Company. In various parts of the Colony some progress has been made towards the accumulation of an Endowment fund for

the maintenance of the Minister. In some churches, funds are raised by means of pew rents; and in all the offertory is a considerable source of income. From these various and somewhat precarious sources, temporary provision, on a very moderate scale, is made for the maintenance of the Clergy in the more populous districts of the Colony.

The principal contributors to the support of the Native church are the Church Missionary Society, who still maintain more than twenty Clergymen in the country; and who, in the course of the last thirty years, can hardly have expended less than a quarter of a million sterling in maintaining their Missionary establishments in New Zealand. By those who are unacquainted with the real state of the country, the idea has been entertained that the Society might now withdraw from these Islands as a mission field; and that a body of clergy of the Native Race might be trained up, to whose pastoral care their countrymen might be confided. The great body of the Native people, it is true, have become professing Christians; but they have not undergone a corresponding change in their personal and domestic habits; and until the usages of civilised life shall be generally adopted amongst them, it will be difficult for any individual of the race to keep up the habits he may have acquired in the course of his own special training. He may not find it difficult, while living in the midst of a civilised community, to practise the usages of those around him; but a lifetime hardly suffices to render civilised habits a necessity: and the Native Minister

who, when located in some outlying district where civilised usages do not yet prevail, shall, not only without the support, but against the influence of public opinion, continue to stand alone, and not sink down to the level of his flock, must be a man of no common force of character. By the Missionaries, and others who are personally acquainted with the Natives, the training of a body of Native Pastors, who by their tried character and confirmed habits may be capable of supplying the place of the English Missionary, is regarded as a work requiring too much time to be of any real value in meeting the present need. Even when most hopeful of the character and capability of the Native race, the Missionaries themselves would have received almost as a thing incredible, the assurance that they should themselves live to witness even two individuals of the aboriginal Native race ordained as Deacons of the Church of England.* To withdraw now from New Zealand as a field of Missionary labour would, on the part of the Church Missionary Society, be a fatal error. At no period in the history of the country have the native people so much needed as at the present moment, the services of the Christian Missionary. To induce a heathen race to receive the Christian faith may in itself be no easy task; but the difficulty of completing the work,

* The two native Deacons—Rota Waitoa, ordained May 22nd, 1853, and Riwai te Ahu, ordained September 23rd, 1855 — have hitherto maintained a steady and consistent course: Rota, the first Maori Minister of the Church of England, was not ordained until after a period of ten years' probation under the immediate eye of the Bishop of New Zealand.

and of building up a heathen people into a Christian nation, really begins when, the novelty having worn off, they are afterwards surrounded by a civilised race, who, though professing Christianity with their lips, deny it in their lives: it is then that the difficulty in reality begins. Something has, indeed, been done by the Natives themselves in making grants of land towards the maintenance of schools; and in some parts of the country they have expressed their readiness to contribute towards the support of a resident Minister; but unless some equivalent provision shall be made for their spiritual welfare, the Church Missionary Society can hardly abandon New Zealand as a Mission field without rendering fruitless much of the labour and expenditure of the last twenty years.

Owing, probably, to the fact that the Church of England in New Zealand has derived no invidious distinction from the State, no community has ever probably been less disturbed by religious dissensions. "The Denominational Schools," recently observed one of the local papers, "were never perverted to the purposes of proselytism: many Protestant parents felt secure in sending their children to the Catholic schools; and Episcopalians and Wesleyans, joined by the Presbyterians, reciprocated the feeling of mutual confidence towards each other." Nor have the benefits of increased zeal in favour of the Church of England in New Zealand been confined to the members of its own particular pale. With this animating example before them, the other Christian denominations have been moved to increased exertions, to

afford their members settled in those Islands the advantages of the Ordinances and of the religious Ministrations of their parent Church; and from the earliest period of its settlement, there has been a reasonable expectation that the Colony would grow up an enlightened Christian country, and become a centre of civilization for the Southern Seas.

But until recently, the condition of the members of the Church of England in the colonies, excited but little interest in the mother-country. Within the last twenty years only has it been deemed needful that the Church in the Colonies should have the benefit of local Episcopal supervision; and to the zeal of a single prelate is the Colonial Church mainly indebted for the recent increase in the number of its Bishops. "Let every band of settlers," was the language of the late Bishop of London, "which goes forth from Christian England with authority to occupy a distant territory and to form a separate community, *take with it*, not only its civil rulers and functionaries, but its Bishops and its Clergy." An Episcopal church may now be found, many years after their first foundation, in the greater number of our Colonial dependencies; but New Zealand is almost the only British Colony in which, coeval with its foundation, the Episcopal church of England has been planted in its full integrity.*

* In the year 1840 there were only five Colonial Bishoprics: but the Church of England will soon have forty Bishops in the Colonies and dependencies of the British Crown. There are at present the following English Colonial Bishops:—Dr. Cotton, Bishop of Calcutta; Dr. Strachan, Bishop of Toronto; Dr. Selwyn, Bishop of New Zealand; Dr. Parry,

As early as the year 1838, and before the country was colonized, the late Bishop of Australia, reporting on the state of the New Zealand Mission, urged the necessity, which even then existed, that the Church should be planted in these islands "in the full integrity of its system: its ordinances administered by a clergy duly ordained; and the clergy themselves subject to regular ecclesiastical authority."* But it was in a great measure through the instru-

Bishop of Barbadoes; Dr. Tomlinson, Bishop of Gibraltar; Dr. Davis, Bishop of Antigua; Dr. Austin, Bishop of Guiana; Dr. Nixon, Bishop of Tasmania; Dr. Spencer, Bishop of Jamaica; Dr. Feild, Bishop of Newfoundland; Dr. Medley, Bishop of Fredericton; Dr. Chapman, Bishop of Colombo; Dr. Perry, Bishop of Melbourne; Dr. Grey, Bishop of Cape Town; Dr. Short, Bishop of Adelaide; Dr. Tyrrell, Bishop of Newcastle; Dr. Anderson, Bishop of Rupert's Land; Dr. Smith, Bishop of Victoria; Dr. Dealtry, Bishop of Madras; Dr. Mountain, Bishop of Quebec; Dr. Fulford, Bishop of Montreal; Dr. Binney, Bishop of Nova Scotia; Dr. Harding, Bishop of Bombay; Dr. Colenso, Bishop of Natal; Dr. Barker, Bishop of Sydney; Dr. Ryan, Bishop of Mauritius; Dr. Bowen, Bishop of Sierra Leone; Dr. M'Dougal, Bishop of Labuan; Dr. Hale, Bishop of Perth; Dr. Courtenay, Bishop of Kingston; Dr. Harper, Bishop of Christ Church, New Zealand; Dr. Cotterell, Bishop of Graham's Town; and Dr. Gobat, Bishop of the United Church of England and Ireland in Jerusalem. To these have been added, Dr. Cronyn, who is now Bishop of Huron, Upper Canada; Mr. Hobhouse, who has been designated to the bishopric of Nelson, New Zealand; Archdeacon Hadfield, who has been designated to the bishopric of Wellington; and Archdeacon Williams, who has been designated to the bishopric of Tauranga, an exclusively Maori district. As soon as tranquillity is restored in India, arrangements will be completed for the establishment of three new bishoprics there: one at Agra, for the North-West Provinces; one at Lahore, for the Punjaub; and one at Palamcotta, for the missionary province of Tinnevelly. When these appointments are made, the number of English Colonial Bishops will be forty.

* The views expressed by the Bishop of Australia on the subject were acquiesced in by the Church Missionary Society. When Gregory, in the 3rd century, was made Bishop of Neocæsarea, there were but *seventeen*

mentality of the New Zealand Company that so early as the year 1841, New Zealand was erected into a Colonial See. Fifteen years afterwards, the southern portion of the Southern Island (the Provinces of Canterbury and Otago) were carved out of the diocese of New Zealand, and erected into the see of Christ Church. Measures are now in progress, too, for a further subdivision of the Diocese by the establishment of three additional Sees; and the Colony is shortly to become an independent Episcopal Province, of which the present Bishop of New Zealand is to be the Metropolitan. The important precedent has also recently been established of consulting the wishes of Church members in filling up appointments to Colonial Sees; and in the first Bishop of Christ Church, the Colonists of Canterbury have for some time had for their chief pastor the Bishop of their choice;* and the appointments to the proposed bishoprics of Wellington† and Nelson,‡ are about

Christians in his diocese. "I owe to God great thanks," he is reported to have said before his death, "for having enabled me to leave my successor only as many Heathens as I found Christians here."

* Henry John Chitty Harper, formerly Vicar of Stratfield Mortimer.

† The Rev. Octavius Hadfield, Archdeacon of Kapiti (New Zealand), was nominated by the Colonists as the first Bishop of Wellington; but the delicate state of health under which he had for some time been labouring, prevented Archdeacon Hadfield from undertaking the duties of the office; and the Rev. Charles John Abraham, B.D., Archdeacon of Waitemata (New Zealand), Fellow of King's College, Cambridge, and formerly Assistant Master of Eton, was afterwards recommended for the See.

‡ The Rev. Edmund Hobhouse, B.D., Vicar of St. Peter's in the East, Oxford, has been nominated to the Bishopric of Nelson.

to be made on the recommendation of the Colonists themselves.*

But without either law or organization, there can be but little efficiency. If it were uncertain whether the Governor of a Colony were clothed with any legal powers; if there were no means of ascertaining what his powers really were; or if, when known, there existed no tribunal for enforcing them; if it were uncertain, too, whether the laws of England, or which of them, extended to a Colony: if there were no Local Legislature with authority to make Laws for its government; no Courts for the trial and punishment of offenders, the hapless condition of the Colonial State may be readily imagined: yet until means are taken for establishing amongst its members some settled form of Ecclesiastical government, such is, in fact, the condition of the Colonial Church. Though their numbers far exceed those of any other religious community in the Colony, the members of the Church of England in New Zealand are practically the least powerful and efficient of them all, when called upon to act in concert. A majority of the population of the Colony are to be found amongst the members of the Church; its Clergy are numerically equal to the Ministers of all the other religious denominations, and more than ordinary provision has been made for its Episcopal supervision;

* Still further progress in the same direction has recently been made in Canada. In a synod, presided over by the Bishop of Toronto, the clergy and laity *elected* Dr. Cronyn to be Bishop of the new Diocese of London in Upper Canada: and the election has been confirmed by the Crown.

but the Church of England in New Zealand is still without law, without organization, without discipline, and without unity; and for want of some system of organization, by which its power may be directed to a common object by a common will, its influence is destroyed. Of all religious denominations, too, the members of the Church of England are the most helpless when suddenly thrown upon their own resources in a new country. The lay members of other religious bodies have generally had some share at home in the management of their Church affairs; and the necessity for their own personal exertions has not been forestalled by the providence of their ancestors. Carrying with them habits of self-reliance, knowing that there is no one to help them but themselves, and having no Act of Submission or other Ecclesiastical Statute to deter them, they, immediately on landing in a new country, set earnestly to work to organize a system of Church Government suited to their new and altered circumstances; and from the outset they became a united and effective body. The members of the Church of England, on the other hand, find themselves in an anomalous position: they neither carry with them the Ecclesiastical Laws of their parent church, nor any authority to make new and more suitable laws for themselves; and until recently, it was believed that the Clergy and laity could not, in the face of the Act of Submission,*

* The "Act for the Submission of the Clergy to the King's Majesty" (25 Henry VIII., c. 19), enacts "that the Clergy, nor any of them, from henceforth shall presume to attempt, allege, claim, or put in use any Constitutions or Ordinances, Provincial or Synodal, or any other Canons;

lawfully even meet together for the purpose of agreeing on regulations touching on Ecclesiastical affairs: indeed, on questions of the most elementary kind, and of immediate practical importance, they find themselves without either rule or guidance. By what means may the necessary funds be raised for the building of churches, and for the maintenance of the Clergy? In whom should Church property be vested, and by whom should it be administered? Should the Clergy be supported by independent incomes, or depend partly on the voluntary contribution of their congregations? and should their incomes be regulated by any general scale? How and by whom should patronage be administered? By what tribunal are Ecclesiastical offences to be tried, and how is Church discipline to be maintained? On these and other like questions, the members of the Church of England in a Colony, not only find themselves without any law, but without any power of legislation. Having been members of an Institution in the mother country having its Churches and its Ministers maintained and supported by ancient endowments, they come to regard a well-endowed Ecclesiastical establishment almost as a birthright, and are somewhat surprised, on transplanting themselves to a new country, that Churches are not built, and that Ministers are not

nor shall enact, promulge, or execute any such Canons, &c., in the Convocations in time coming (which shall always be assembled by the King's writ), unless the same Clergy shall have the King's most Royal Assent and Licence to make, promulge, and execute such Canons, &c., upon pain of every one of the said Clergy doing contrary to this Act, and being thereof convict, to suffer imprisonment and make fine at the King's will.[u]

supported without cost or trouble to themselves: and some time commonly elapses before they realize their true position and recognise the necessity for their own exertion. And even when the *vis inertiæ* has been overcome, having been unaccustomed at home to take any part in Church organization, or in the management of Ecclesiastical affairs, the laity find that they have no experience to aid them, when called upon to take part in laying the foundation of the Ecclesiastical Institutions of their adopted country. And no measures having been taken by the parent Church to provide her Colonial branches with any system of local self-government, the Bishops, Clergy, and laity of the Church of England in a British Colony, instead of being a body "fitly joined together by that which every joint supplieth," was a mere aggregation of disjointed members, as powerless for many important purposes as an army without the Mutiny Act or the Articles of War. There is the prospect, indeed, in New Zealand of a considerable increase in the number of the Bishops; but the subdivision of the Colony into several Dioceses, desirable as it may be on other grounds, is by no means calculated in itself to solve the difficulty arising from the want of organization, from the want of some system for the administration of its patronage and discipline, and some more definite understanding as to the power and jurisdiction of its Bishops. A mere increase, indeed, in the number of the Bishops, would simply aggravate the evil. Instead of being governed by a single Bishop having arbitrary, unde-

fined, and inadequate power, and administering some provisional system of his own designing, the Church would be virtually divided into several sections, each presided over by a Bishop, with the like uncertain powers; and there would not improbably be as many different practices prevailing as to patronage and discipline, in what ought to be the one Church, as Dioceses into which the Colony may be divided.

The need of some system of organization for the Church in New Zealand was first mooted in the Colony itself, at a meeting of the Bishop and Clergy in the year 1847. "I believe," said the Bishop, in his primary charge on that occasion, "the monarchical idea of the Episcopate to be as foreign to the true mind of the Church as it is adverse to the Gospel doctrine of humility . . . The expressive *Ma* of our native language, I pray may always be appended to my name. I would rather resign my office than be reduced to act as a single isolated being. It remains, then, to define by some general principles the terms of our co-operation. They are simply these: that neither will I act without you, nor can you act without me." But the New Zealand branch of the Church is still in this unsatisfactory position: the status of its Bishops is still undetermined; their power, undefined and uncertain as it is, is entirely autocratic; its Clergy are practically beyond the pale of constitutional law; and the Church has no other security for the enforcement of discipline than the absolute power of the Bishops to grant and withdraw their licence to

preach.* And until measures have been taken for organising Church Members in the Colonies, for purposes of Church government, their condition is every-

* An amusing illustration of the ignorance of the highest legal authorities as to the power and status of a Colonial Bishop, was recently given in the colloquy which took place in the Queen's Bench—*The Attorney General* v. *The Provost and College of Eton* (May 1857). Lord Campbell said it was difficult to know what a Colonial Bishop was: he has not the ordinary *status* of a bishop of the English Church. . . .

Lord Campbell.—What could such a bishop do *in invitos?* He might have the title of Bishop.

The Attorney General.—He might excommunicate.

Lord Campbell.—What would follow from that?

The Attorney General.—That would depend on the mind of the object of the excommunication.

Mr. Justice Coleridge.—Such a power had been exercised.

The Attorney General.—He might degrade a clergyman, and he would not be entitled to hold a benefice.

Lord Campbell said that not the smallest effect could be given to such a degradation. Like the Scottish Bishops, his authority would be merely voluntary to those who chose to submit to it.

Mr. Justice Coleridge thought it would be more than that. When the Crown created a Diocese in the Colony, it could not divide it without the consent of the Bishop. A Colonial Bishop had power to exercise episcopal authority in the district.

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Lord Campbell.—What power has such a Bishop more than a Roman Catholic Bishop in the same place? What jurisdiction has he? He might give his advice to those who chose to submit to him; but those who were unwilling would not be bound.

* * * * * * *

The Attorney General said that a Bishop of the English Church received direct authority over the Clergy in his Diocese: he instituted, ordained, visited, and revoked.

Lord Campbell.—Is not that all voluntary? The Roman Catholic does the same.

Sir F. Thesiger said, a Colonial Bishop could not hold Courts; he could only exercise his influence as Bishop: and that Colonial Bishops were titular Bishops.

Lord Campbell said that they were true successors of the Apostles.

The Attorney General said they had the power of ordaining.

where the same. "The government of the Church of England in this Colony," said the Bishop of Melbourne, referring to Port Phillip, "is a pure autocracy. . . . While the Colonial Clergy justly complain of the insecurity of their tenure, men of high standing and ability in England, such as we especially require, are for the most part unwilling to accept employment where they would be subject to the arbitrary will of a single individual." *

Lord Campbell.—A bishop *in partibus* could do that.

The Attorney General said, though the Ecclesiastical jurisdiction was not aided by the temporal sword, the Ecclesiastical jurisdiction was complete.

Lord Campbell said it was good for all those who chose to respect it: but who was to enforce it?

The Attorney General.—The Bishop might revoke his licence.

Lord Campbell.—But suppose he preaches: *quid tum?*

The Attorney General.—He may preach wherever he can find hearers.

Lord Campbell.—But in England he cannot, as was shown in Shore's case.

* * * * * *

Mr. Justice Coleridge observed that in Australia the Church of England was no more "established" than the Roman Catholic or Presbyterian Churches.

Lord Campbell.—In Australia there is no established religion.

Mr. Justice Erle observed, that in the Colonies the powers of the Bishop were confined to the spiritual world.

The Attorney General said, that a Church might be said to be "established" when certain officers of the State were chosen from it: or where a legal provision was made for its ministers.

Lord Campbell.—As in Canada by the Clergy reserves.

Mr. Justice Coleridge.—In the Colonies, provision was made *pro ratâ*, according to the population, for the Roman Catholic as well as for the Episcopalian or Presbyterian Churches.

The Attorney General said that a Church was "established" when a benefit was given to it at the expense of the laity; . . . and he contended that a Colonial Bishop was neither a titular nor a suffragan Bishop, but was a Bishop of the Church.

* No idea can be entertained by the Church authorities in England more fatal to the influence and stability of her distant branches, than

The first movement on the part of the *lay* members of tho Church in New Zealand, for the establishment of some system of Church organisation, took place in 1849. "Upon reviewing our present position," said the promoters of a plan of Church government which was then put forward, and which received the approval of a considerable number of Church members, "we find that we form the most advanced and remote outposts of the Church of England. -- There have also devolved upon us, in common with many of our countrymen, the important duties of aiding in the foundation of a great nation, and in the moulding of its institutions. At the same time there were in our immediate vicinity various heathen nations, and even in the midst of us are many Native inhabitants of these Islands who have not yet embraced the doctrines of Christianity. Moreover, we, the European members of the Church of England, have been collected from many countries, and are settled in widely detached localities; and thus, although we are bound together by a common faith, and have common duties to perform, we are united by but few of the usual ties

that men of an inferior stamp are good enough for the Colonies; yet nothing is more common than to hear able men spoken of as lost or thrown away, when employed in the service of the Church in a distant Dependency. In England itself, the Church, with its ample endowments, political status, and ancient prestige, might, with but a moderate amount of ability on the part of its ministers, long retain her present position: but, in a Colony, the Church has neither State endowment nor political status; and it is only by superior character and ability on the part of her individual Ministers, that the Church in the Colonies can attain that position which is enjoyed by the Church in the mother country.

of long and familiar acquaintance; while there is no system of local organisation which might tend to draw us together as members of the same Church. We therefore feel ourselves called, from circumstances and from our position, to vast responsibilities, and to the discharge of important duties, whilst we have many elements of weakness around and among us. From these causes it is our earnest conviction that a peculiar necessity exists for the speedy establishment of some system of Church government amongst us, which, by assigning to each order in the Church its appropriate duties, might call forth the energies of all, and thus enable the whole body of the Church most efficiently to perform its functions."

The Colonists being scattered over numerous and widely detached Settlements, it was by no means easy to ascertain what particular form of Church government they might deem most suitable to the circumstances of the country. To arrive at their views upon the subject, public meetings were held in the various Settlements in the years 1852 and 1853, to consider a document entitled, "General Principles of a Constitution for the Church in New Zealand," drawn up and circulated by the Bishop of New Zealand, and based upon the plan which had received the assent of a considerable number of Church members in 1849. "The amendments made at these Meetings were embodied with the original draft in a tabular statement, with the signatures appended, in order that the amount of difference of opinion might be distinctly seen . . . and the result of this inquiry

was the almost unanimous agreement of the members of the Church who subscribed their names to this document, in two fundamental principles: the one relating to the Constitution of the Synod, and the other to the Standard of Doctrine."* And the Bishop of New Zealand, on the occasion of his visit to England in 1854, was authorised to move the Imperial authorities to embody these principles in a Constitution for the government of the Colonial Church. From the Cape of Good Hope, from Canada, and from Australia, there was, at the same time, a general call upon the Imperial Legislature to establish or to authorise some measures of Synodical action in our Colonies. In the various Petitions and Memorials presented to Parliament on the subject, there was a general concurrence of opinion in the various Colonies that, whatever plan might be adopted for the government of the Church in the Colonies, laymen should have a considerable share in the administration of its affairs; and that no bill should be agreed to which should have any tendency to separate the Church in the Colonies from the Church in the mother-country. In compliance with the wishes of the Colonists, three Bills were successively introduced into Parliament: in 1852 by Mr. Gladstone, by the Archbishop of Canterbury in 1853, and by the Solicitor-General in 1854—for enabling the Bishops, Clergy, and laity of the Church of England in the Colonies to make regulations for the management of their Ecclesiastical affairs: not one of those Bills,

* Report of the Conference.

however, passed into a law. It was not denied in Parliament that the members of the Church in our Colonies were in a disadvantageous position, compared with the members of other religious denominations: it was admitted, too, that they ought to be placed in the same position as any other religious body; and that if the various religious communities were on a footing of equality, none of them being established, it was but just to the Church of England that it should have the same privileges as others; and that if any existing Act of Parliament deprived her of any liberty which they enjoyed, it was but reasonable that these Acts should be modified. But the Bill introduced by the Archbishop of Canterbury (1853) was something more than a mere enabling measure; for it prescribed certain rules and a certain mode of action, by which Church members in all the colonies should be bound: and it met with considerable opposition, on the ground that the Colonists themselves would resent it, as a breach of recent pledges not to interfere in their local affairs, and as an attempt to undermine the Colonial franchise of self-government. It was objected, too, that it would establish in our Colonies an ecclesiastical law at variance with that of England—that it would create synods such as were never known in the Queen's dominions—and that we had no right to force upon the Colonists so extraordinary an innovation. Coming from what was believed to be an influential and well-informed authority, these objections were not without their weight; and opposition having been raised against it on other grounds,

and in various quarters, both this Bill and the Bill introduced by the Solicitor-General were allowed to drop.

In the meantime, however, the opinion of several eminent counsel had been given, to the effect that the Act of Submission (25 Henry VIII., c. 19) does not extend to prohibit or render illegal the holding of Diocesan Synods within the limits of a Colonial See; and with reference to a memorial from the Canadian Legislature, the Governor-General of Canada was informed by the Secretary of State that her Majesty's Government also were by no means satisfied that, for enabling the Clergy and Laity to meet by representative bodies for the purpose of making rules for the management of Church affairs, any statutable aid was necessary.

All prospect of Imperial legislation being at an end, it remained to be determined what course should be taken by the members of the Church in New Zealand, for the management of its property and the organization of its members. There no longer appeared to be any legal impediment to the meeting of the various Orders in the Church, for the purpose of devising measures for the management of its affairs. It was impossible that the Bishop—in whom, for facility of transmission, from his corporate character, nearly the whole of the real property of the Church had been vested—could himself profitably manage upwards of seventy distinct properties, situated in various parts of the country. Nor, when the contemplated subdivision of the Colony into several

dioceses shall have been effected, will it be fitting or convenient that the Bishop of New Zealand shall be the sole depositary of, and continue to hold, all the Church property in the Colony, which will then locally belong to several separate Sees. Some provision was therefore needed, under any circumstances, for the future management of the property of the Church: and, in order that the Laity might be induced to take an active interest in the affairs of the Church, the Bishop of New Zealand expressed his readiness, on being duly authorised by a legislative enactment to do so, at once to transfer the various Trust properties held by himself, to a Convention of Church members; and at the same time suggested that, instead of aiming at a constitution which should have the effect of establishing a complete system of Ecclesiastical polity, including a definition of Church membership, that the members of the Church who might be willing to administer its property, should associate themselves together on the basis of mutual compact, and establish a representative governing body, to manage the property of the Church—to apportion its proceeds—to regulate the salaries to be paid to its Ministers—and to make such regulations for the extension of the Church system, and for the organization of its members, as might be practicable, on the basis of property, and on the principle of voluntary compact.

A Deed of Trust, framed for the purpose of carrying these objects into effect, having been circulated in the various settlements, the Clergy and Laity were invited

by the Bishop of New Zealand to elect Assessors to attend a Conference, at which it was proposed to revise the Trust Deed, to determine to what extent it might be expedient to seek the aid of the Colonial Legislature, and to prepare the necessary measures for inaugurating the First General Synod. A small chapel, St. Stephen's, at Taurarua,* in the neighbourhood of Auckland, was the place appointed for the meeting of the Conference. When all the Members were present, the Conference consisted of the following persons:—

The Bishop of New Zealand.	
The Bishop of Christ Church.	
Archdeacon Henry Williams „ William Williams „ Alfred Nesbit Brown	Representing the Missionary or Native Districts.
Archdeacon C. J. Abraham The Rev. G. A. Kissling Wm. Swainson Frederick Whitaker T. M. Haultain	Representing the Auckland District.
Thomas Hirst	Representing New Plymouth.
Archdeacon Hadfield R. K. Prendergast	Representing Wellington.
Archdeacon Robert Bateman Paul Edward William Stafford	Representing Nelson.
The Rev. James Wilson Henry John Tancred	Representing Canterbury.

On the 14th of May, 1857, the business of the Conference formally commenced; and after the celebration of Divine Service and the administration of the Holy Communion, the members present having

* A name which will be suggestive to many of pleasant memories.

elected the Bishop of New Zealand to be their Chairman, proceeded to determine the general rules by which the business of the Conference should be conducted. As to the time and place of meeting, it was determined that the members should meet daily, except on Saturdays and Sundays, at St. Stephen's Chapel, from ten to one o'clock in the forenoon, and from three to six o'clock in the afternoon. It was hardly expected that their proceedings would excite much public interest; but if they sat with closed doors there might be the appearance of a desire to shun publicity: it was, therefore, determined that their proceedings should be open to the public. As the object of the members in meeting together was to hold a really free Conference, it was resolved that they should not be confined to a single set speech and reply on each subject of discussion, but that the mode of conducting the business of the Conference should be similar to that adopted by Committees of Legislative bodies, so that there might be no limit in the way of explanation, repetition, or reply. And as the subjects proposed to be dealt with affected all the three Orders of the Church, it was agreed that nothing should be done without the consent of all; that the Conference should vote by Orders, and that no question should be considered as decided which had not been carried by a majority of all the Orders. These and a few other standing rules having been agreed upon, and the general objects of the meeting having been stated by the Chairman in his explanatory address, the real business of Conference was com-

menced; and for six hours a day, for a period of upwards of a month, the members addressed themselves steadily to their work.

The Conference had been assembled to consider and devise a plan of operation framed on the principle of voluntary compact; but, as binding legal powers had been sought for from the Colonial States in several of our Colonies, it was submitted to the Conference to decide which of the two courses it might be most expedient to pursue. There was no longer any doubt of the legality of the meeting of Bishops, Clergy, and Laity, for the purpose of regulating the affairs of the Church; and even assuming that an Act of the Imperial Parliament was in force prohibiting such meetings, it was not within the power of a Colonial Legislature to remove the prohibition.

Against the course adopted in Melbourne, it was urged that the members of the Church of England in that Colony derive their powers of Synodical action entirely from the Colonial State; that what the Legislature have given, the Legislature may take away; and that the Synod established under the authority of the Melbourne Act, holds its existence at the will of a body with whom it may have no community of interest, sympathy, or feeling: that when any alteration or amendment may be required in the Act, recourse must be again had to the Colonial Legislature, when the proceedings of the Synod will be liable to hostile or unfriendly discussion; and that the affairs of the Church, being regulated under the authority of the State, will in fact at all times be

liable, both at the hustings and in the Legislature, to be made the subject of party and political debate. Seeing the position of the members of the Church under the provisions of the Melbourne Act, the Conference decided—instead of applying to the Colonial Legislature for enabling powers, and seeking to establish a system of organization which might be made binding on the whole body of Church members—to proceed, in the first instance at least, on the principle of voluntary compact, and to apply to the Colonial Legislature only in case legal powers should be found necessary for carrying the proposed system into effect. Two instruments which had been framed with that object were now laid before them; the Bishop's model Trust Deed, framed in England under the advice of eminent counsel, and which for some time had been in the hands of Church members in the various Settlements; and a draft Trust Deed, prepared in the Canterbury settlement. Both were framed on the same principle. The Canterbury Deed was thought to have the advantage in point of form and arrangement, but in point of substance the Bishop's Trust Deed was preferred: but as it was desirable that the measures to be adopted by the Conference should be thoroughly discussed and clearly understood by all the members, it was resolved that, instead of adopting either Deed, the Conference should begin *de novo*, and themselves frame a Deed of Foundation, or Constitution, upon certain fundamental principles to be previously agreed upon; availing themselves indifferently of the provisions of both instruments as

occasion might require. This course no doubt protracted considerably the sittings of the Conference, but it was not without its advantages; for if either Deed had been adopted simply for revision, it is probable that its provisions would have received but a comparatively hasty consideration, and that the members would hardly have been able afterwards to give a satisfactory explanation of the reasons which had led to their adoption.

Having, in a series of Resolutions, adopted after lengthened discussion, agreed upon the fundamental principles on which the branch of the Church of England in New Zealand should be united; having defined the powers and jurisdiction of its governing body, and agreed upon the terms and conditions on which its property should be administered, the Conference proceeded to frame the formal instrument by which their views might be accomplished, which provides that a representative body, to be called the "*General Synod*," shall be established for the management of Church property in New Zealand; that it shall consist of the three Orders, of Bishops, Clergy, and Laity; that the consent of a majority of each of the three Orders shall be necessary to all acts of the Synod; and that its Constitution and mode of voting, as thus prescribed, shall be unalterable: and, as it was not the object of the framers of the Constitution to found a new Church in New Zealand, but simply to organize the members of the Church of England in the Colony—the doctrines and ritual of the united Church of England and Ireland,

and the authorized version of the Bible, were declared to be the bond of union. To avoid the evils which would arise from the discussion in the Synod of questions relating to Doctrine and Ritual, it is declared that such bond of union shall also be unalterable. All property conveyed to the General Synod, it is declared shall be held and administered in such manner and for such purposes as the Synod shall from time to time appoint; but with this express proviso, that the doctrines to be taught by the Bishops, Clergy, schoolmasters, and others, wholly or partially maintained out of the proceeds of such property, shall not be repugnant to the doctrines of the Church of England, as explained and contained in the Thirty-nine Articles and the Book of Common Prayer, &c. Although the Conference were unwilling to take any step which might appear to interfere with the supremacy of the Crown,* or to weaken the union with the mother-Church, yet as the property of the Church in New Zealand might be placed in jeopardy, unless

* The precise meaning of the term is not generally understood: but if the opinion recently expressed by the late principal Law Officer of the Crown on the subject of the Queen's supremacy be the "true version," much less tenderness would probably have been shown by the Members of the Conference in dealing with the subject. "Let them" (the Parliament), said the Attorney-General, Sir R. Bethell, "discuss the law, if they would: but when they had arrived at the conclusion that it ought to be the law of the land, let them require, without a moment's hesitation, on the part of the Clergy, obedience to that law. That was the true notion of the supremacy of the Crown." A notion more fatal to the continuance of the union between the Church in the Colonies and the Church in the mother-country could not have been broached: if it, indeed, be the "true notion," the supremacy of the Crown in the Church will not long extend beyond the realm of England.

Provision were made for the contingency of a separation of the Colony from the mother-country, and for that of an alteration in the existing relations between the Church and State, it is declared that the Synod may, in the event of such contingency, make such alterations in the Articles, Services, and Ceremonies of the Church in New Zealand, as the altered circumstances may then require. To the General Synod, power is also given to determine how and by whom, so far as regards those who are maintained by the funds at the diposal of the Synod, patronage shall be exercised; to fix the amount of salaries; to establish a tribunal for deciding questions of false doctrine and discipline; to make regulations for the government of the Clergy, schoolmasters, and others, holding office under, or receiving enrolment from the Synod; and, generally, to make such regulations as may be necessary for the order, good government, and efficiency of the Colonial branch of the Church of England in New Zealand. Such are some of the principal provisions of "the Constitution for associating together, as a branch of the United Church of England and Ireland, the members of the said Church in the Colony of New Zealand."

To the General Synod, power is given to determine the number, qualification, and mode of election of their own body; but it was necessary for the Conference to determine the Electoral districts, the number of Representatives, the qualification of Electors and Representatives for establishing the Constituent Assembly or first General Synod. And as regards

the Clergy, it was determined that the clerical R[redacted] sentatives should be elected by the Clergy; and th[redacted] Deacons should be eligible to act among the clerical body, either as Electors or Representatives. To avoid all questions as to Church membership, and to exclude no one who might be desirous of carrying out the measures adopted by the Conference for organizing the members of the Church of England in New Zealand, it was resolved that in the election of the first General Synod, every man of the age of twenty-one years or upwards, who should sign a declaration that he is desirous of uniting himself with the members of the Church under the provisions of the Constitution, shall be entitled to vote at the election of a lay member. But, as not even a declaration of Church membership is required on the part of the Electors, it was determined by the Conference that the range of their choice should be strictly confined to members in full communion with the Church; and, with but a single dissentient voice, it was resolved that no person should be qualified to be a lay Representative at the *first* General Synod except he be a communicant.

The property—which it is proposed shall, in future, be administered by Trustees, to be appointed by the Synod—is still vested in the Bishop of New Zealand; and it cannot be legally transferred by him without the authority of the Legislature: to that extent, therefore, the aid of the State was required, and the draft of a Bill was prepared by the Conference to be presented to the Colonial Legislature for that

[redacted]ose. The Constitution itself, based as it was on [redacted]e principle of voluntary compact, needed neither the authority nor the sanction of the General Assembly; but, for convenience of reference, for the purpose of identification, and as a means of affording the members of the Legislature an opportunity of making themselves acquainted with the provisions of the Constitution, a copy of it, in the form of a schedule, was annexed to the Bill. Simple as it was, the Bill met with considerable opposition. Some of the Members of the Assembly, not well acquainted with the objects of the Conference, unwilling that any legislative authority should be given to the Constitution, and fearing, though erroneously, that if even a copy of the Constitution were allowed to be attached to the Bill, the Constitution itself would thereby receive some legal validity, proposed that the schedule should be struck out. If, however, there was one point more than another on which the members of the Conference had been generally and cordially agreed, it was that the Church Constitution should not in anywise be dependent on the Colonial State; and, as a copy of the Constitution had been annexed to the Bill simply for convenience, no great effort was made to retain it, and its opponents succeeded in having it struck out. But the Bill ultimately passed without undergoing any substantial alteration: and by the Bill, in the form in which it passed into a Law, the Colonial Legislature recognises the members of the Church who may associate themselves together under the Constitution, as com-

petent to receive and administer the property of the Church on behalf of the New Zealand Branch of the United Church of England and Ireland. The Legislature not only declares also that the recent Conference represented a numerous body of the members of the Church of England in New Zealand, and that it agreed to a Constitution for establishing a General Synod of the Church, but it recognises the Synod to be so established as "The General Synod of the Church of England in New Zealand;" and it declares that, for its better management, it is expedient that the property now held by the Bishop of New Zealand for religious and charitable purposes, should be transferred to Trustees, to be appointed by such General Synod; and it formally authorises such transfer to be made.*

It may not improbably be found that compulsory powers, to be derived from the Legislature, and binding on all the members of the Church, may be necessary for its complete and efficient organization; but the plan recommended by the Conference, based simply on property and on the principle of voluntary compact, may serve as a prudent experiment, on which a complete system of Ecclesiastical Polity may hereafter be prepared. The plan proposed by the Conference is simply an attempt to unite the members of the

* The "Bill to enable the Bishop of New Zealand to convey certain hereditaments and premises to Trustees to be appointed in that behalf by the General Synod of the Church of England in New Zealand," became law, July 10, 1858; and it was shortly afterwards determined that the first meeting of the General Synod should take place on the 1st of March, 1859.

[redacted]n for the purpose of administering any Church property which may be entrusted to their management, upon such principles, as to patronage, discipline, &c., as may be presented by themselves. The contemplated union of Church members can include none but those who voluntarily enrol themselves amongst its members; it excludes none but those who do not choose to join it, and it can deal with no other property than that which may be voluntarily conveyed to it. Those only are practically amenable to its rules and regulations who are wholly or partially maintained by the funds at its disposal; while the independent rights of those members of the Church who may take no part in its proceedings are at the same time left untouched.

But whatever may be the result of its measures, it must be accorded to the New Zealand Conference that its proceedings were conducted with uninterrupted good feeling; that its measures were devised with careful deliberation, and that its members devoted themselves with painstaking assiduity to the business for which they had been assembled. What has been said of the Canterbury Convocation of 1854 may be said of the New Zealand Conference of 1857. "The members knew that the failure of Convocation had been confidently predicted. It had been said that a set of Clergymen, differing in opinion, could not possibly meet without quarrelling; that there were angry spirits in the Convocation certain to light up a flame. . . . . But nothing of the kind happened. The demeanour and conduct of

the members were that of men fully sensible of [illegible] grave responsibilities. Their proceedings were [illegible] and decorous; and all the public documents were marked by a dignity and ability answerable to the position and high reputation of those from whom they emanated."

By those who are most sincerely attached to the doctrines and ritual of the Church of England, it is admitted that abuses have crept into her system, which, for want of freedom of action, she has hitherto been unable to reform. But the founders of a Church system in a new country, unfettered by any pre-existing system, and unimpeded by any vested interests, have the opportunity of remedying the defects, and of providing against the abuses by which the efficiency of the Church in the mother-country is no doubt seriously impaired; and the General Synod of New Zealand have full liberty, under the provisions of the Constitution, to build up such a system of Ecclesiastical Polity as they may deem most suited to promote the efficiency of the infant Church. But unless the great body of the Lay members of the Church of England in New Zealand shall themselves be moved to take an active interest in the management of its affairs, the Constitution framed for their acceptance by the recent Conference, will be of no more value than a body of dry bones; and it still remains to be seen whether they will take timely advantage of the opportunity which now lies before them of conferring a lasting benefit on the country of their adoption. If the property proposed to be

[redacted] to the General Synod shall be carefully [redacted]ofitably administered, and if the powers pro[redacted]sed to be conferred upon that body, for ordering the affairs of the Church, for managing its property, and for promoting its efficiency, shall be seen to be wisely exercised, it may be expected that other property devoted to Church purposes, will from time to time be added to the common fund; that an increasing number of the members of the Church will be moved to take part in the management of its affairs, and that the measures of the Conference, if insufficient in themselves, may ultimately lead to the establishment of a system of Church government which, "assigning to each order in the Church its appro[redacted] duties, may call forth the energies of all;" and [redacted] being gradually "united by joints and bands, [redacted] nourishment ministered, and knit together," [redacted]embers of the Church of England in New [redacted]d may be formed into one body, may be ani[redacted] by one spirit, and may be governed by one [redacted]nd thus become an efficient instrument for [redacted]g up the people of these Islands into a Christian nation, and for spreading abroad the light of the Gospel amongst the heathen people of the Southern Seas.

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